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THE

SOMERS

COLLECTION OF TRACTS.

EDINBURGH:
Printed by James Ballantyne & Co.

COLLECTION

OF

SCARCE AND VALUABLE

TRACTS,

ON THE MOST

INTERESTING AND ENTERTAINING SUBJECTS:

BUT CHIEFLY SUCH AS RELATE TO THE

HISTORY AND CONSTITUTION

OF

THESE KINGDOMS.

SELECTED FROM AN INFINITE NUMBER IN PRINT AND MANUSCRIPT, IN THE ROYAL, COTTON, SION, AND OTHER PUBLIC, AS WELL AS PRIVATE, LIBRARIES;

PARTICULARLY

THAT OF THE LATE LORD SOMERS.

THE SECOND EDITION,

REVISED, AUGMENTED, AND ARRANGED,

BY

WALTER SCOTT, Esq.

VOLUME TENTH.

The bent and genius of the age is best known, in a free country, by the pamphlets and papers that come daily out, as the sense of parties, and sometimes the voice of the nation. PREFACE TO KENNET'S REGISTER.

Judex qui aliquid statuit, una parte audita tantum et inaudita altera, licet æquum statuerit, haud æquus fuerit.
LD. COOK & JUST. INST.

LONDON:

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1813.

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TRACTS

DURING

THE REIGN OF KING WILLIAM III.

CLASS SECOND.

HISTORICAL TRACTS.

THE

SOMERS

COLLECTION OF TRACTS.

KING WILLIAM III.

CLASS SECOND.

HISTORICAL TRACTS.

An Order of the Lords Spiritual and Temporal, assembled at Westminster, in the House of Lords, December 22, 1688.

PRESENT,

Lord Archbishop of York
Duke of Norfolk
Duke of Somerset
Duke of Grafton
Duke of Ormond
Duke of Beaufort
Marquess of Hallifax
Earl of Oxford
Earl of Shrewsbury
Earl of Kent
Earl of Bedford
Earl of Pembroke
Earl of Dorset
Earl of Northampton
Earl of Devonshire
Earl of Bolingbrooke
Earl of Manchester
Earl of Mulgrave
Earl of Rivers
Earl of Stamford
Earl of Winchelsea
Earl of Thanet
Earl of Scarsdale
Earl of Clarendon
Earl of Craven
Earl of Burlington
Earl of Sussex
Earl of Macclesfield
Earl of Radnor
Earl of Yarmouth
Earl of Berkeley
Earl of Nottingham
Earl of Rochester
Earl of Abington
Lord Viscount Fauconberg
Lord Viscount Mordaunt
Lord Viscount Newport
Lord Viscount Weymouth
Lord Viscount Hatton
Lord Bishop of London
Lord Bishop of Duresme
Lord Bishop of Winchester
Lord Bishop of St Asaph
Lord Bishop of Ely
Lord Bishop of Rochester
Lord Delawarr
Lord Grey of Ruthen
Lord Eure

Lord Wharton
Lord Paget
Lord North and Grey
Lord Chandos
Lord Montague
Lord Grey of Warke
Lord Maynard
Lord Howard of Escrick
Lord Jermyn
Lord Vaughan Carbery
Lord Culpeper
Lord Lucas
Lord Delamere
Lord Crew
Lord Lumley
Lord Carteret
Lord Ossulstone
Lord Godolphin
Lord Churchill

THE lords spiritual and temporal assembled in this extraordinary conjuncture, considering the great mischiefs that have happened unto, and do still threaten this kingdom, by the evil designs and practices of the papists, in great numbers resorting unto and abiding in the city of London, and places adjacent to the said city, for the better preservation of the peace and common safety, have thought fit, and do order and require, that all papists and reputed papists do, and shall, within five days after the date hereof, depart from the said city unto their respective habitations, from which they are not to remove above five miles distance.

Except such as now are in the actual service of the queen dowager, and except all ambassadors, and foreign ministers, with their domestick servants, being foreigners; and all other foreigners, being merchants or factors, or who are come into, or do reside in this kingdom upon the account of trade only. Except also all such persons as have been householders, or have exercised any trade within the said city of London, or within ten miles of the same, by the space of three years last past, (other than such as do sell arms,) so as such householders shall, within eight days from the date hereof, leave an account in writing with the lord mayor, the recorder, or some alderman, being a justice of peace within the said city, or other justice of peace, of their respective names, and places of their habitations.

Except also all such popish officers as shall, within six days from the date hereof, give good and sufficient bail before the lord mayor, the recorder, or some alderman, being a justice of peace within the said city, for their appearance in the court of King's Bench, the first day of the next term, to answer such things as shall be there objected to them, and, in the mean time, for the keeping of the peace. And it is hereby ordered, that such popish officers as shall not within the said eight days give such bail as aforesaid, shall be committed into custody, and be detained and kept in some public inns, by the trained bands or militia of the said city or counties adjacent respectively, until further order.

Signed by their lordships order,
FRANCIS GWYN.

We, the lords spiritual and temporal assembled in this extraordinary conjuncture, do appoint Francis Gwyn, Esquire, for us, and in our names, to sign and subscribe such orders as shall be from time to time by us made. Dated at the House of Lords, in Westminster, the 22d day of December, 1688.

Tho. Ebor'
Norfolk
Somerset
Grafton
Ormond
Beaufort
Northumberland
Hallifax
Oxford
Kent
Bedford
Pembrooke
Dorset
Devonshire
Bolingbrooke
Manchester
Rivers
Stamford
Thanet
Scarsdale
Clarendon
Burlington
Sussex
Macclesfield
Radnor
Berkeley
Nottingham
Rochester
Fauconberg
Mordaunt
Newport
Weymouth
Hatton
W. Asaph
Fran. Ely
La-warr
R. Eure
P. Wharton
Paget
North and Grey

Chandos	T. Jermyn	Lucas	Lumley
Montague	Vaughan Carbery	Delamere	Carteret
Grey	Tho. Culpeper	Crew	Ossulstone
Maynard			

The Speech of Sir George Treby, Kt., Recorder of the Honourable City of London, to his Highness the Prince of Orange, December the 20th, 1688.

Sir George Treby, a celebrated lawyer, and one of the council for the seven bishops, was, at this momentous period, recorder of London.

May it please your Highness,

THE lord mayor being disabled by sickness, your highness is attended by the aldermen and commons of the capital city of this kingdom, deputed to congratulate your highness upon this great and glorious occasion.

In which, labouring for words, we cannot but come short in expression.

Reviewing our late danger, we remember our church and state over-run by popery and arbitrary power, and brought to the point of destruction by the conduct of men (that were our true invaders) that brake the sacred fences of our laws, and (which was worst) the very constitution of our legislature.

So that there was no remedy left but the last.

The only person under heaven that could apply this remedy was your highness.

You are of a nation, whose alliance, in all times, has been agreeable and prosperous to us.

You are of a family most illustrious, benefactors to mankind. To have the title of sovereign prince, stadtholder, and to have worn the imperial crown, are among their lesser dignities. They have long enjoyed a dignity singular and transcendent, viz. to be champions of Almighty God, sent forth in several ages to vindicate his cause against the greatest oppressions.

To this divine commission our nobles, our gentry, and among them our brave English soldiers, rendered themselves and their arms upon your appearing.

Great Sir,

When we look back to this last month, and contemplate the swiftness and fulness of our present deliverance, astonished, we think it miraculous.

Your highness, led by the hand of Heaven, and called by the voice of the people, has preserved our dearest interests.

The protestant religion, which is primitive Christianity restored.

Our laws, which are our ancient title to our lives, liberties, and estates; and without which this world were a wilderness.

But what retribution can we make to your highness?

Our thoughts are full charged with gratitude.

Your highness has a lasting monument in the hearts, in the prayers, in the praises of all good men amongst us. And late posterity will celebrate your ever-glorious name till time shall be no more.

CHAPMAN, Mayor.

Cur' special' tent' die Jovis xx. *die Decembr'* 1688. *Annoq. R. R. Jacobi Secundi Angl'* &c. *quarto.*

This court doth desire Mr Recorder to print his speech this day made to the Prince of Orange, at the time of this court's attending his highness with the deputies of the several wards, and other members of the common council.

WAGSTAFFE.

A true List of the Knights, Citizens, and Burgesses, summoned by the Letter of his Highness the Prince of Orange, to meet at Westminster the 22d of January, 1688-9, as they have been returned to the Office of the Clerk of the Crown in Chancery.

Bedfordshire, 4.

THE Hon. Edward Russel, Esq.
William Duncombe, Esq.

Town of Bedford.

Thomas Christie, Esq.
Thomas Hillersdon, Esq.

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John Dormer, Esq. }
Thomas Tipping, Esq. }
William Jennens, Esq. }

Borough of Abington.

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University of Cambridge.

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The Hon. William Lord Powlett.
City of Winchester.
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In all, 513

The Names of the Lords of his Majesty's most Honourable Privy Council.

His majesty, the day after he was proclaimed King of England, France, and Ireland, was graciously pleased to summon divers honourable peers and gentlemen to Whitehall, who were selected and sworn of his privy council, viz.—

His Grace the Lord Archbishop of Canterbury
The Right Reverend Bishop of London
His Grace the Duke of Norfolk
Marquis of Winchester
Marquis of Hallifax
Earl of Danby, president
Earl of Lindsay
Earl of Oxford
Earl of Shrewsbury
Earl of Bedford
Earl of Devonshire
Earl of Macclesfield
Earl of Nottingham
Earl of Bath
Earl of Dorset and Middlesex
Lord Viscount Falconbridge
Lord Mordaunt
Lord Newport
Lord Wharton
Lord Delamere
Lord Montague
Lord Lumley
Lord Churchill
The Heer Benting
Honourable Henry Sidney
Honourable Edward Russel
Honourable Henry Powle
Richard Hampden, senior
Sir Henry Capel
Hugh Boscawen, Esq.
Sir Robert Howard

The Prince of Orange's Speech to the Lords, &c. concerned with him.

Anno 1689.

This speech is supposed to have been spoken by the celebrated William of Nassau, Prince of Orange, to animate the Belgic confederation against the Spaniards. It was published in 1689, as forming a parallel case with that of his celebrated descendant William III.

It is not, assuredly, any ways to be doubted, (most noble lords) but that we now treat upon a *common cause*. The one and the other Germany are sufficiently united in situation, tongue, name, traffick, life, and in all things else. And who knows not, that in

former times they both made but one body? Their people do chiefly affect liberty. And though in Flanders the prince be hereditary, whereas in Germany he is elective, yet almost the same pre-eminence is due by them to their states as is here attributed to your diets. But how oft, and with how much labour and danger, hath it behoved the one and the other nation to oppose themselves to the avaritiousness of their princes? I will leave the pursuit of ancient affairs that I may come to the more modern; and those of Germany, that I may descend to the present affairs of Flanders. When the Emperor Charles V. was dead, every one knows the king's son's chiefest desire was to leave those parts and settle himself in Spain. Being there wholly transformed into the sense and customs of that people, he grew desirous to govern Flanders after the same manner and empire as Spain was governed. And what more imperious minister of state could he leave behind him with the Duchess of Parma than the Cardinal Granville? Did I say minister of state? nay, rather supreme governor; since, whilst he was there, the duchess bore only the name of regent: The whole power lay in him, base Burgundian! The first author of Flanders' mischief; and who deserves chiefly to be punished, since the fault was chiefly his. The government of the ecclesiastical and temporal affairs was suddenly altered in divers sorts by absolute authority; but chiefly by new edicts, still more grievous to the conscience, and by introducing the inquisition. The secretest oracles are come from the council of Spain, and are executed by secret consultations in Flanders. If the nobility have complained, their complaints have proved vain; to petition is counted treachery; to seem troubled, rebellion; and the casual heady-giddiness of the common people, a premeditated insurrection of the whole country. In fine, nothing but to have a pretence to use force against Flanders was expected in Spain. And what more light pretences could be taken, than to go about to suppress those tumults, which were seen to cease almost as soon as begun? When so suddenly hereupon the Flemish are insolently declared in Spain to be rebels to God and to the king; and a foreign army marches to cause Flanders to be treated hereafter, not as a successive nation, but as a conquered country. And who could be better chosen to execute such violences than the Duke of Alva? The most haughty-minded man of all Spain, Flanders' greatest enemy, and who knows better than any other how to extinguish all remainders of religion, and in lieu thereof to use all tyranny. And just so it fell out. He hath begun to raise citadels in the chiefest cities; he hath placed garrisons every where; the places of execution run down with blood in all towns; no more home laws are heard of, but foreign ones. The country is almost unpeopled by exilement, imprisonment, and running away; and nothing but ghastly looks, complaints, misery, desperation, and calamity, is seen every where. In this deplorable state is Flanders at the present. How much more happy then is Germany, which enjoys her former liberty, and which, abhorring all foreign force, knows no other empire than her own? I partake of this felicity, for from hence I derive my blood, and my first stem remains still here. Nay, I am more hated in Spain than any other of the Flemish, by reason of my German spirit. I am held to be the contriver of conspiracies, the head of sedition, the pestilence of those countries. Their greatest anger thunders against me, and the severest punishments are already fallen upon me. Thus they seek to turn my glory into infamy; and what greater glory can there be than to maintain the liberty of a man's country, and to die rather than be enslaved? I then, (most noble lords,) who am both a German and a Fleming, after having lain before you the miseries of the Lower Germany, whose tears and supplications I bring hither with me, do, in her name, implore the help and protection of the Upper Germany. But such recourse for refuge will not avail, unless you yourselves repute the cause which is now in hand to be common as well to Germany as to Flanders, as I at first took for granted. And who can doubt it? Who is not aware of the Spaniards vast designs? Doubtlessly a desire of domination doth naturally reign in all

men. One will draws on another; nor doth what is possest give satisfaction. But how immense, how immoderate doth this thirst appear, particularly in the Spaniards? They think not their unknown worlds sufficient to quench it; and will therefore extend their empire still further in those which are known. They fix their eyes and machinations much more upon Europe in particular. When they shall have opprest Flanders, and have gotten so opportune a seat for their arms, what province will they next fall upon? That certainly which they shall have most reason to fear. He who will lay the foundations of servitude well, first seeks to beat down the bulwarks of liberty. Wherefore, knowing that they shall be most withstood by the power and undaunted spirits of this nation, which in all things is so united to Flanders, they will forthwith bend all their forces hitherward. It may then be concluded, that the Spanish forces being in Flanders, will be always ready to enter Germany; and then what will your miseries be, when their colonies shall likewise be seen here, new faces, new customs, severe laws more severely executed, heavy yokes upon men's persons, and more heavy upon their consciences? This point being then granted, that the danger will be common among us, the other will be clear, that the cause should likewise be reputed common: The rest follows on in consequence. One neighbour runs to quench the fire that is kindled in another neighbour's house. When a river threatens to break in, who runs not from all sides to mend the banks? The same course ought now to be held; all you must haste to help the Flemish, since you are the first that are likely to feel the flames of their fire, and they who shall first partake of the inundation of so many miseries which they suffer. But do not believe that they will linger in expectation of your aids. They will move as soon as they shall see you move; and their worth and virtue, which, by so unexpected and cruel a violence, is rather stupified than opprest, will return with greater vigour than before. What cannot armed desperation do? What dares it not? The entrance will be always easy from these parts into Friesland, and into the provinces of Flanders which are on this side the Rhine; that river will with like easiness be at all times past over; all the chief cities will throw open their gates. The nobility and all the whole country will join in the same opinion. But I came short when I said that only Germany and Flanders would join in this cause; France and England, and the other northern countries, will undoubtedly join with us, since they stand in like fear of the Spanish forces. He that commits violence doth not always boast thereof; and how oft do we see oppression prove the ruin of the oppressor? It may so fall out, as whilst the Spaniards do so greedily gape after other men's estates, they may chance to lose their own; the Flemish expect only your assistance to escape so hard a slavery; and I, in their names, do once again earnestly implore it. The cause cannot be more just, nor more easily helped, and it is yours no less than ours. All neighbours will take it for their own concernment, and the whole north will favour it. But as the defence will in the first place fall to your share, so the first place of victory will be given to your forces; and so, by the title of our being oppressed, you shall for ever be accounted our deliverers.—*See C. Bentevog. Hist. Part I.*

A Letter written by the Emperor to the late King James, setting forth the true Occasion of his Fall, and the Treachery and Cruelty of the French.

"This Letter, written by the Emperor of Germany to King James the Second after his abdication, setting forth the causes of his majesty's desertion by his subjects, is a proper caveat to such princes, always to preserve their subjects in their just rights, both in church and state, as the best means to deserve their affection, and to secure the throne to themselves and their posterity."—*Orig. Note.*

The unfortunate James, after his flight from Britain, applied himself for aid to almost all the courts of Europe. From that of Austria, jealous of his predilection for France, he received the following reply, in which reproof and even insult are scarcely veiled by the usual language of courts.

Leopold, &c.

We have received your majesty's letters, dated from St Germains, the sixth of February last, by the Earl of Carlingford, your envoy in our court: By them we have understood the condition your majesty is reduced to; and that you, being deserted after the landing of the Prince of Orange, by your army, and even by your domestic servants, and by those you most confided in, and almost by all your subjects, you have been forced, by a sudden flight, to provide for your own safety, and to seek shelter and protection in France: Lastly, that you desire assistance from us for the recovering your kingdoms. We do assure your majesty, that as soon as we heard of this severe turn of affairs, we were moved at it, not only with the common sense of humanity, but with much deeper impressions, suitable to the sincere affection which we have always borne to you. And we were heartily sorry, that, at last, that was come to pass, which (though we hoped for better things) yet our own *sad thoughts* had suggested to us would ensue. If your majesty had rather given credit to the friendly remonstrances that were made you, by our late envoy, the Count de Kaunitz, in our name, than the deceitful insinuations of the French, whose chief aim was, by fomenting continual divisions between you and your people, to gain thereby an opportunity to insult the more securely over the rest of Christendom: And if your majesty had put a stop, by your force and authority, to their many infractions of the peace, of which, by the treaty of Nimegen, you are made the guarantee, and to that end entered into consultations with us, and such others, as have the like just sentiments in this matter, we are verily persuaded, that, by this means, you should have, in a great measure, quieted the minds of your people, which were so much already exasperated through their aversion to our religion,[1] and the public peace had been preserved, as well in your kingdoms, as here, in the Roman empire. But now we refer it even to your majesty, to judge what condition we can be in to afford you any assistance, we being not only engaged in a war with the Turks, but finding ourselves at the same time unjustly and barbarously at-

[1] Which made use of so many unjust and cruel means to gain its establishment.—*Orig. Note.*

tacked by the French, contrary to and against the faith of treaties, they then reckoning themselves secure of England.[2] And this ought not to be concealed, that the greatest injuries which have been done to our religion[3] have flowed from no other than the French themselves; who not only esteem it lawful for them to make perfidious leagues with[4] the sworn enemies of the holy cross,[5] tending to the destruction both of us and the whole christian world, in order to the checking our endeavours, which were undertaken for the glory of God, and to stop those successes, which it hath pleased Almighty God to give us hitherto, but further, have heaped one treachery on another, even within the empire itself.[6] The cities of the empire, which were surrendered upon articles, signed by the dauphin himself, have been exhausted by excessive impositions; and after their being exhausted, have been plundered, and after plundering, have been burnt and erazed. The palaces of princes, which in all times, and even the most destructive wars, have been preserved, are now burnt down to the ground. The churches are robbed, and such as submitted themselves to them are, in a most barbarous manner, carried away as slaves. In short, it is become a diversion to them, to commit all manner of insolences and cruelties in many places, but chiefly in catholic countries, exceeding the cruelties of the Turks themselves: which, having imposed an absolute necessity upon us to secure ourselves, and the holy Roman empire, by the best means we can think on, and that no less against them than against the Turks, we promise ourselves, from your justice, ready assent to this, that it ought not to be imputed to us, if we endeavour to procure, by a just war, that security to ourselves which we could not hitherto obtain by so many treaties; and that, in order to the obtaining thereof, we take measures for our mutual defence and preservation, with all those who are equally concerned in the same design with us. It remains, that we beg of God, that he would direct all things to his glory, and that he would grant your majesty true and solid comforts under this your great calamity. We embrace you with the tender affections of a brother.

At Vienna, the 9th of April, 1689.

The Causes and Manner of the deposing of a Popish King in Sweden truly described.

Printed 1688.

This story, extracted from the annals of Sweden, was meant for the instruction of the English nation at the Revolution. The dethroned Sigismond of Sweden carried on a long but unsuccessful war for recovery of the Swedish crown, and died in his kingdom of Poland in 1632.

Gustavus Ericson, King of Sweden, having settled the reformed religion in Sweden, and reigned thirty-eight years, left his kingdom to his son Erick, who, for his cruelty

[2] Under a prince, that, to accomplish the slavery of his subjects, was making himself tributary and vassal of France.

[3] Popery. [4] The Turks. [5] *Viz.* All Christians.

[6] How justly does this represent the present and late actions of the French in Germany!—*Orig. Notes.*

and ill government, was deposed, and his whole line exhereditated, to make way for John Duke of Finland, his younger brother.

John had a son, called Sigismond, who, being secretly bred up in the Romish religion by his mother, who was of the Sagellonian royal family of Poland, was in his father's time elected King of Poland.

The said King John had also a younger brother, called Charles Duke of Sudermania, Nericia, &c. and a younger son of his own name, called Duke of Ostrogothia.

King John died in the year 1592, in the absence of King Sigismond, his eldest son; during which, Charles, Duke of Sudermania, his uncle, at the desire of the states, took upon him the government; but sent to invite his nephew Sigismond to come and take possession of his native kingdom as soon as might be; promising in the mean time to keep all quiet, and intimating, that he hoped his majesty, when in possession, would maintain all in the true religion and divine worship, and preserve the laws of Sweden.

At the end of the year he arrived in Sweden, having in his company Francesco Malespina, the pope's legate, who hindered him long from consenting to any security, either for religion or property; but finding the coronation would be obstructed without that, he gave way, as having yet, as the historian says, one starting-hole remaining, which was, that faith was not to be kept towards hereticks. In the mean time, he himself would have crowned the king in the cathedral of Upsal, but was opposed by the Archbishop of Upsal, whose right it was, even if that kingdom had been popish.

The coronation being over, which had been delayed above a year, during which time, several secret attempts had been made upon Charles, Duke of Sudermania, to make him away, King Sigismond, contrary to his coronation oath, erected a popish church in the capital city, and made a great man of his religion governor of the castle of Stockholm, in which the records of the chancery and the arms and ammunition of the kingdom were kept, and in the port were the best part of the royal navy, under command of the castle.

A certain jesuit, called Adam Steinhall, obtained the Arcentian temple and the Queen's Island, with Vastheman monastery, which was presently filled with Romish priests.

Sigismond also, by his followers and attendants, continually affronted the established religion, and was sending into Poland for a body of forces able to subdue the kingdom; upon which discontentments grew so high, that he hastily withdrew thither himself.

He left Sweden in confusion, having only for form's sake writ to his uncle Charles, to assume the administration jointly with the senate; but, at the same time, leaving others with greater power, both in Sweden and Finland, as appeared when he was gone.

Charles, Duke of Sudermania, to avoid discord and confusion, called a convention at Sudertopia, which was opened with an oath of allegiance to King Sigismond, and did likewise assert the kingdom's right to have the coronation oath performed; which, having been violated in the tender point of religion, they redressed the grievance, and suppressed the exercise of the Romish religion, banishing all priests and preachers of the same, and the ancient incumbents of the Vastheman monastery were restored.

Then they desired the Duke Charles to accept of the administration for the good of the kingdom, which he did. Then began a treaty between Sigismond and the convention, with Duke Charles at the head of it, which was by Sigismond spun out and obstructed with much artifice; at length the convention made several decrees for security of religion and property, and entered into an association for the defence of them, which they desired the king to confirm, and gave six weeks time to all that dissented, to submit on pain of being declared enemies to the public peace.

They invited him home, to return in a peaceable manner, and settle the other affairs of his native kingdom; but, instead of that, he invaded them with an army of eight

thousand horse and foot, and a hundred sail, to which several Swedes joined themselves, whom he had gained with money.

An agreement was endeavoured, and, after much intercourse of negotiation, both armies being near one another, it was consented to on both sides, that twelve of the nobility of each side should meet and decide the whole controversy. But, by the persuasion of the jesuits, the royal army, in the night, conducted by Weyerus, set upon the ducal camp, in which onset several thousands were slain, but at last the king and all his army had been cut off, had they not called out for peace, which the duke yet hearkened to.

An agreement followed, in which the king demanded to be supplied with a navy to go to Stockholm, promising there to call an assembly of the states; but he no sooner had the shipping but he sailed away for Calmar, in which place he left a garrison of foreigners, and then continued his voyage to Dantzick.

The king being gone, an assembly of the states met at Stockholm, where they declared King Sigismond fallen from the crown and government, and were so inclined to continue the succession, that they offered to receive his son, Prince Vladislaus, provided he might be sent home, bred up a protestant, and committed to the guardianship of Duke Charles, but Sigismond refused it.

Afterwards another parliament met at Lincopia, and there they did expressly renounce King Sigismond, and his government, as also his laws.

Then they acknowledged Duke Charles of Sudermania for their lawful king, and after him settled the crown upon his son, Gustavus Adolphus, and his heirs male.

Duke John concurred with the parliament, and renounced his pretence to the crown, and was content to come in after the line of Duke Charles.

The daughter and sister of Sigismond were also rejected.

Then followed the coronation of King Charles, in the year 1607, by the name of Charles the Ninth.

These were the proceedings in Sweden, upon which I shall only make these few short reflections:—

I. That the Swedes were desirous, to the last degree, to preserve the succession, according to one part of the laws of the kingdom, provided that might be done without overturning all the rest; they were wise enough to preserve laws while laws preserved the nation, which is the true end of all laws, but no longer.

II. That King Sigismond, according to the spirit of his religion, wherever it is grown up to bigotry, broke through his oaths, and all rules of justice and morality, when they crossed the insatiable ambition of his priests.

III. That though the Swedes, when they found that they could not keep their king, his direct heirs, their religion and liberties all together, resolved to part with the former, they were forced to be very cautious, and endeavour to gain time by treaties, to unite themselves against Sigismond, who had Poland and several allies to back him; without which considerations, the prudence they shewed on this affair may assure us they would not have suffered the government in so loose a posture so long as they did.

IV. That the Swedes, knowing that it is impossible on any occasion that all men should be of the same mind, wisely ordained that the minor part should submit to the major, or be declared enemies to the public peace. And sure this example will be followed, wherever reasonable and disinterested men meet on the like occasions; for sure nobody can deny that it is better for any nation that some laws should be made, and others broken, against the opinion of the minor part, than that all laws, morality, and good-nature, should give place to passion, injustice and cruelty, through their obstinacy.

Now, may God Almighty open the eyes of all Englishmen to see, and their hearts to embrace this truth.

A Memorial from the English Protestants for their Highnesses the Prince and Princess of Orange.

This is a compendious list of the national grievances which brought on the Revolution; but it particularly insists upon that which was of all most groundless, the alleged attempt of James to impose a supposititious child upon the kingdom. The vulgar believed the unfortunate prince to be capable of any crime, as certainly he shewed himself guilty of every imprudence, which might support the catholic cause. And this accusation, which is of a nature peculiarly adapted to the taste and comprehension of the multitude, although it has now been long abandoned by every grave authority, had, during the stormy period in which it was current, no little effect on public opinion. The party violence of the period was so extravagant, as to receive and circulate a variety of reports inconsistent with *each other, and agreeing* only in the general conclusion, that the child was an imposition upon the nation. *The reasoning of the Bishop* of Salisbury is admirably summed up by Smollett.

"On the 10th of June, 1688, the queen was suddenly seized with labour pains, and delivered of a son, who was baptized by the name of James, and declared Prince of Wales. All the catholics and friends of James were transported with the most extravagant joy at the birth of this child, while great part of the nation consoled themselves with the notion that it was altogether supposititious. They carefully collected a variety of circumstances upon which this conjecture was founded; and though they were inconsistent, contradictory, and inconclusive, the inference was so agreeable to the views and passions of the people, that it made an impression, which, in all probability, will never be effaced. Dr Burnet, who seems to have been at uncommon pains to establish this fact, and to have consulted all the whig nurses in England upon the subject, first pretends to demonstrate that the queen was not with child; secondly, that she was with child, but miscarried; thirdly, that a child was brought into the queen's apartment in a warming-pan; fourthly, that there was no child at all in the room; *fifthly*, that the queen actually bore a child, but it died that same day; sixthly, that it had the fits, of which it died at Richmond; therefore the Chevalier de St George must be the fruit of four different impostures."

It cannot be unknown to your highness that the protestants of England that are faithful to the principles and doctrines of their religion, and to the just established legal government, are in divers kinds most intolerably vexed and oppressed by the popish contrivances and practices, covered with the pretences and name of authority.

That illegal[1] things are daily imposed upon them, in their several stations and places,

[1] The instances thereof are too many to be recited; but some thereof are these, viz.—

1. Most of the protestants are pressed to declare for a repeal of all the laws made for the reformation of our religion and its settlement.

2. All the subjects are forced to submit to serve and obey those that are no lawful judges, sheriffs, justices of the peace, mayors, lords-lieutenants, and other commanders; and all are threatened, vexed, and prosecuted, (as the Lord Lovelace now is) that dare but say that such have no lawful authority.

3. All the subjects are commanded to suffer all the actions and offences of their lives, and the secrets of their hearts, to be searched into, and their chief interests, and many of their freeholds, to be judged by the discretion of a few of the king's creatures, called his commissioners for ecclesiastical affairs, whose commission is to proceed without and against the rules of our laws, with a *non obstante* to all other laws, and every man is required to assist their arbitrary powers, on peril of their censures, which extend to imprisonment for life.

which they are convinced, in their consciences, can never be justified unto God or the kingdom, and yet they are pressed upon them (without regard to their consciences) by loss of their offices and employments, and many other threatened effects of the king's displeasure.

That many of their legal liberties, benefits, and means of subsistence in their churches and colleges are taken from them by mere will and pleasure, [1] and processes and prosecutions by arbitrary commissioners [2] are threatened and begun against great numbers of them without their guilt of the least offence or transgression against any of the laws of this realm.

That they are debarred and spoiled of the due free [3] election of their magistrates and officers in their cities and towns, and pretended officers and magistrates are imposed upon them and turned out and put in at the king's absolute will, as they are found ready to comply with, and serve the popish design either ignorantly or corruptly.

That several of the bodies politick of their cities and towns are declared to be dissolved at the king's pleasure, (to terrify and subjugate the minds of all the rest,) and the citizens and burgesses are thereby disfranchised [4] and divested of all their good

4. All our ministers are required, under grievous menaced penalties, to be the king's criers, to proclaim in the churches the king's power to suspend at once the force and use of all our penal laws made in 400 years past to secure the rights of the crown, the freedoms and properties of the realm, and the profession of the protestant religion.

5. All the *protestants are forced, by fear of the king's wrath, to suffer* the rights of the crown, and the *freedom of the realm, against foreign* powers and laws, to be publickly denied, and the *force of foreign laws over them to be* maintained; they are enjoined by the king to neglect their sworn duties to *God*, to the crown and kingdom, of prosecuting at law those treasons which they know and see to be daily committed, for which no excuse can be made by pretence of liberty of conscience in Christ's religion.

6. The constables, and other officers throughout the realm, are forced to quarter Irish and Scots, and other mercenary soldiers, in their neighbours houses, against their wills, in contempt of the ancient laws and the express words of the late statutes.

7. All the gentlemen and freeholders are pressed to renounce their native and legal freedoms in their choice of members for parliament.

8. The freemen of the cities and towns are urged to yield up to the king's will the tenure of their magistracies, and all their free customs and privileges.

9. All the people are forced, by fear of punishments, to suffer a child to be declared heir apparent of the crown, which ought not, by the known laws of the kingdom, to have been acknowledged, until lawful witnesses of his birth of the queen had been duly published to the kingdom, as was necessary in this case, wherein publick fame makes him a counterfeit. Yet to their shame and grief, the people are forced to seem in their publick prayers to present him to God as their prince, and dare not ask who are the witnesses of his birth.

10. Many of their juries are pressed to find their neighbours criminals, though in their consciences they think them innocent; as is notorious (amongst many other instances) in the case of those that made innocent expressions of their joy for the justice that was done to the seven bishops; and many are forced to submit to be tried in matters about the loss of their estates, by fines; and their lives also, by juries returned, by secret contrivances and nominations, contrary to the direction of our laws, being neither of the most sufficient nor most indifferent of the nearest neighbours to the facts in question, nor by sheriffs sworn as the laws require, whereby the course of the kingdom's justice is perverted, and the legal government subverted.

All these instances are too well known to be denied by our adversaries.

[1] Viz. The case of the Lord Bishop of London suspended. Of Doctor Peachel, Vice-chancellor of Cambridge, and Master of Pembroke-Hall, deprived. Of Doctor Hough, and 26 fellows of Magdalen-College, Oxford, besides the demyes outed from their free-hold and livelihood, and decreed incapable of any other preferment, only for keeping to the law, the statute of their college and oaths. The suspension of near 200 ministers in the county of Durham, for refusing to read to their people the king's declaration for dispensing with our laws, &c.

[2] Viz. The summons of the commissioners for ecclesiastical affairs to the chancellors, commissaries, and archdeacons of the diocese, of most of the bishops to return the names of all the ministers that did not read the king's declaration, wherein they transgressed no law ecclesiastical or civil.

[3] The city of London, and all the cities and towns corporate of the kingdom are sad instances of this, the king alone setting up whom he pleases to have the names and use the powers of their formerly chosen magistrates.

[4] So the king hath done to the ancient cities of Oxford, Winchester, and the borough of Totness, now threatens to do the same to the great city of Norwich, or something tantamount, whereby he assumes to dispose of the subjects legal interests at his will, as if the subjects had no property.—*Orig. Notes.*

customs, freedoms, and privileges, if they cannot in conscience comply with illegal commands, and will not treacherously surrender their legal rights and privileges unto the king's will.

That the legal securities provided by the kings and kingdom in parliament against the dangers of their religion and liberties, are by the king's absolute command thrown aside, and made [1] useless, by pretence of his power to dispense with those penal laws, notwithstanding the subjects right in them for the protection and safety of their religion, liberties, and lives, whereby the very foundation of all the subjects rights and properties is undermined and shaken, and a new claim is set up and maintained, that the subjects have no right, property, or security against the will and pleasure of their kings.

That by colour of such a dispensing power, the trust of the kingdom's defence and safety by military powers are put into such hands as are made [2] incapable of them by many express laws of the king's and kingdoms in parliament, which justly give the protestants sad apprehensions of imminent dangers, seeing themselves put into the power of those that publickly profess to be in union and communion with the church of Rome, that openly declare themselves to be the mortal enemies to all protestants; and that they are bound, upon peril of their salvation, to seek their destruction if they shall continue constant to the protestant profession.

That, contrary to the express laws of the [3] realm lately declared in parliament, an army of papists and mercenaries is maintained and dispersed through the kingdom in full peace, to the great disquiet and terror of the protestants; and they are in divers ways constrained to receive these soldiers into their houses, to sojourn there against their wills, whereby they are deprived of their peace and security in their families, and of their converse with their neighbours and friends, and of the advantages they might make in their ways of living.

That the king hath barred and forbidden the execution of the ancient laws of the realm, against divers sorts of treasons and other most heinous crimes; and all the statutes now known to have been made from age to age for 500 years past, in relation to the popes and Romish priests [4] powers and practices, are suspended; though the experience of the papists in all those ages shewed those precepts and practices to be mischievous and dangerous, that they often complained in parliament they feared the [5] destruction of the kingdom by them.

His majesty also so controuls the courts of law in the courts wherein justice ought to be administered, that the judges (though they have highly served the popish designs) are turned out of their places, honours, and pensions, if they dare but suffer the laws justly to acquit those whom the king would have condemned, as appears (amongst divers instances) by his late displacing Judge Halloway and Judge Powell, upon the legal acquittal of the seven bishops.

[1] The late statutes of 25 and 30 of Car. II. were made expressly for the protestants security; so were those of 5 Eliz. 1. 13 Eliz. 2. 23 Eliz. 1. 27 Eliz. 2. 1 Jac. 5 Jac. 1. and the stat. 25 Hen. VIII. 19, 20, 21, and many ancient stat. of Ed. I. Ed. II. Ed. III. Rich II. and many other kings, were made to secure the people from the apprehensions of the church of Rome; and the king hath declared that none of them shall at any time hereafter be put in execution.

[2] 'Tis known all the professed papists are by the stat. Eliz. Jac. I. and Car. II. made incapable of holding any trust or powers in the kingdom, and that the king hath placed the most of them in their hands.

[3] See the Pet. of Right, 3 cart. and the late statutes Car. II. that declare the dispersing of soldiers into the country, and the quartering them in the subjects houses, to be against the laws and customs of the realm; and 'tis demanded and enacted as the people's right, that they shall never be so burdened by soldiers.

[4] See the king's declaration for liberty of conscience, that suspends the execution of all the penal laws whatsoever in matters ecclesiastical, those that make it treason to maintain the pope's powers and canons to be above our laws, or to take his dispensations of obedience to them.

[5] See the statutes 35 Edw. I. 25 Edw. III. 27 Ed. III. 16 Rich. II. 5.—*Orig. Notes.*

We need not shew to your highness more particular instances of our oppression, since 'tis notorious that there is a publick attempt authorized by the king to subvert the very foundation of the whole civil legal government of the kingdom, that is, the people's free election (in the customary established course by counties, cities, and boroughs,) of their deputies to act and consent for them in parliament unto all laws to be made and repealed.

The truly noble monarchy was founded on equal freedom; and the civil government of England was always of right truly free,[1] because no laws or authorities ever bound the persons and properties of the kingdom save only these, wherein the kings and all the subjects freely agreed, every subject's free[2] consent being deemed by our laws to be given personally, as by his deputies to the enacting and repealing of every law.

Therefore the statutes of old, in affirmance of the common custom of England, declared that elections should be free[3] from all interruptions and interpositions by the king or the pope, and the kings have bound themselves by the statutes no way to disturb any electors in making their free elections.

No commands, promises, or threats, no prayers nor solicitations, ought to be made unto the electors by the king or pope, or any others: The people's deputies (say the laws) are to be chosen freely, and indifferently, without pre-engagement of the electors or fear of displeasing the king, and without promises of favour or rewards to them. They are to be indifferent at the time and place of election, and in such manner to proceed, notwithstanding any request or command to the contrary, otherwise the elections are void and null.

But we are not able to number the various kinds of attempts and practices to overturn this foundation of our government.

There have been infinite endeavours and artifices openly used to destroy the customs, privileges, charters, and governments of all the cities and boroughs; by whom four parts in five of the members of the commons in parliament are to be chosen by the custom of England; and to bring all these bodies politick, and all their magistrates and officers, to be dependent on the king's will, and to be obliged as his creatures (not the cities and towns trustees) to serve his popish and arbitrary designs, or to be turned out of their places at his pleasure, and such as are either papists or more ignorant and corrupt put into their places.

'Tis known to all, that for this purpose, to destroy our government under colour of law, there have been causeless writs of *quo warranto* brought by the king against most of the cities and boroughs of the kingdom; those were seconded by instruments appointed to terrify the magistrates of the cities and towns with the king's severe displeasure if they dared to insist upon their legal right and contest with the king at law, to fright them with the intolerable charge, that their legal defence would cost them more than they could bear, and boldly affirming that they could not hope to maintain their customs, privileges, and charters against the king, since he was resolved to have them at his command; then they tempted them with promises of new charters if they would comply and surrender their old liberties into the king's hands, and pretended that the names of all that refused it must be returned to the king's attorney-general.

'Tis no less known, that judges were prepared to damn the pleas of all such cities

[1] See 24 Hen. VIII. 12. 25 Hen. 21. 'Tis declared that the realm is free and subject to no laws but by their own consent; and that the king and parliament, representing the whole state of the realm, have the power to dispense with the laws as they shall see occasion.

[2] See the statutes 1 Jac. I. 1.

[3] See stat. Westm. 1. 3 Ed. 7. The common law is there declared, and the king bindeth himself not to disturb any electors to make free elections. See Car. II. parl. See 7 Hen. IV. 15. 6 Hen. VI. 4. 9 Hen. IV. 8. —*Orig. Notes.*

and towns as would stand upon their right, and plead to the *quo warranto*, as the magistrates of London resolved to do; their common council refusing to surrender their liberties notwithstanding all commands, terrors, and intreaties that were used to them; they knew it was not in their power to betray their city, nor in the king's power to receive unto himself these customs, powers, and privileges, which the great charter and the common law had given them. But such judges as would not judge that ancient body politick (that had holden their customs above 1000 years) to be dissolved, were turned out, and all the freedoms and principles due to the citizens and their heirs, and to the city and their successors, were declared by the judges to be forfeited; his now majesty's instruments thereby preparing his way (under the shadow of the late king) to destroy the government of all other cities and towns, by frightening them into surrenders, or making a precedent for judgment against them; and it hath taken such effect, that the term of almost all those bodies politick is illegally changed, and the cities and towns brought to such a forlorn estate, that they have no magistrates or officers but at the king's will and during his pleasure.

As there is an actual subversion of the freedom of the government of the cities and towns, the tenure of their magistrates, and their free customs being utterly destroyed, and those that now exercise the magistracies therein being incapable to chuse freely and indifferently, and to return legally members for parliament, so there are continual attempts upon the personal freedom and indifferency of all the electors for parliaments throughout the kingdom.

His majesty has personally solicited, and attached so many of them by his smiles and frowns in secret, to accept of such for their deputies in parliament as will comply with his designs, that his closeting* electors is become a bye-word amongst the people: He has made them consent to be barred of their freedom in electing for parliament, and in voting therein, if they be chosen, to be a test of their fitness to hold their offices and employments of profit and trust, and to have place in the magistracy.

The three questions to that purpose are known to all, which his majesty's ministers required to be answered by the justices of the peace and all other officers.

The lord lieutenants of all the counties, by the king's special command, have summoned the chief officers and gentlemen in his majesty's name, to flatter or terrify them out of the use of their freedom in electing for parliament; and marks of the king's displeasure have been put upon those that resolved to keep their freedom and indifferency, to elect worthy and fit deputies according to their judgments and consciences.

An unheard-of sort of commissioners, as to their qualities and instructions, are lately sent from his majesty throughout England, to delude or affright the electors into a choice of such members for a convention, (to be called a parliament) as will engage to serve his designs of abolishing all those ancient laws and tests that are the only human securities of the free profession of our religion, and the clearest authoritative declarations of the rights of the crown and the liberties of the people.

There need not be plainer proofs, that the axe is laid to the root of our civil government, as the most certain way to introduce the laws and religion of Rome. Yet, to convince the whole world in this matter, his majesty has published a second declaration, wherein he has positively declared his mind, that none ought to be employed under him in the kingdom, who will not contribute to these his designs, and chuse such members of parliament as may do their part to finish what he has begun. He has pronounced all that shall refuse it to be neither good Christians nor lovers of their country's wealth and power; and he declares, that he has begun his intended form of go-

* Note, that the king's practice of closeting members of parliament was the same as it's now for electors.

† See the King's Second Declaration for Liberty of Conscience, April 27, 1688.—*Orig. Notes.*

vernment suitable *to those* principles, having turned out, by his absolute will, many civil and military officers throughout the kingdom, in pursuance of this great work.

This puts *it* out of dispute, that his majesty thinks he ought not to suffer any free election *for* parliament, whilst there are such numbers of faithful protestants to contest for the elections, who cannot in conscience contribute to the work he has begun; that is, upon pretence of liberty of conscience to allow his majesty to surrender unto the pope the rights and freedom of the crown and the kingdom, or to acknowledge that the people of England ought, by the laws of God and Christ, to be subjected to the church of Rome's laws and jurisdictions in their person, and great part of their estates. That the pope and his priests and canonists should judge them by their canons, in the lawfulness of their marriages and contracts, and legitimate or bastard their heirs as they please; that the disposal of their goods and chattels by their last wills, their debts about tythes, and their good names and bodies on pretence of penances, should be in their power and will.

This is the work begun by his majesty, which dishonours and debases the English imperial crown, and subverts the native freedom and the civil properties and interests of Englishmen.

Those are the proper matters and occasions of most of our penal laws in matters ecclesiastical, to prevent the fraud and danger of holy pretences for such unrighteous attempts against our natural and *civil properties.*

Our *penal laws are to punish offences against the civil government and human society, though they be about matters ecclesiastical:* the subjects of England cannot pretend to be exempted from them, because of their consciences, any otherwise than they may wickedly claim to be free from the penal laws against felonies and murders, if they shall plead that they robbed or killed according to their consciences.

His majesty's avowed intent and endeavours are to free the emissaries of Rome's priests and papists from the punishments and dangers of those our penal laws, against such manifest attempts upon the freedom, rights, and properties of the realm; that his new-erected popish colleges, his convents of monks, his four provincial bishops, and his numerous priests, may be authorized by him, without force of laws, to maintain the church of Rome's canons to be of greater authority than the laws of the realm; to declare all the power of magistracy in protestants hands to be unlawful, and all right and title to their estates forfeited to the papists, by their being protestants; to own and justify dispensations from Rome, with their obedience to all such laws of the realm as the pope and his priests dislike; and professedly to hold communion with the church of Rome, the French king, and all foreign papists, that declare themselves mortal enemies to the religion and power of the protestants, to contrive with them the suppression or extirpation of them out of the realm.

This work his majesty hath so far *begun*, that he hath suspended and stopped the execution of the penal laws against all these high crimes, some whereof the ancient papists of this kingdom made capital; and he declares *all* such protestants as will not help to finish it, not to be qualified as Christians or Englishmen for any employment in the kingdom, and therefore least of all to be members of parliament. Hereby his majesty attempts to confine the electors in their choice to so small a party, that he allows them not the choice of one of forty whom our laws make capable of being elected for parliament; the number is so small (professed papists excepted,) out of which his will is to have members of parliament chosen, that our laws will judge it no choice if he can impose his will upon the kingdom, as he hath declared it.

Hereby your highnesses may be satisfied that our case is deplorable; it seems not sufficient for our popish enemies to seek the abolition of all our ancient penal laws, that are not agreeable to those new-invented doctrines and pernicious practices of the present church of Rome, which the penal statutes shew to have been abhorred by our an-

cient English [1]papists, but their design is to destroy the constitution and form of the free government of the kingdom, from whence arose all those penal laws against their churches, proud domination, and their usurpation of the rights of the crown and the whole realm.

They know by our histories and records, that the free parliament always made the complaints from age to age against their pernicious claims of power over our kings, our laws, our courts of judicature, and their judgments; and against their exactions, impositions, frauds, and delusions of the people, with their superstitious folly, whereby they gained a [2]third of the revenues of England, and drew so much money to Rome, that they impoverished, and almost ruined the kingdom.

They are sensible that they have been able to enslave to the pope and priests several of the greatest English kings, that they could prevail with the king for licences and pardons to them to transgress the laws that the parliament made, to preserve the subjects' rights and properties, and that the parliament only caused new laws to be made for declaring such [3]licences, dispensations, and pardons of the king void and null.

They know that they have persuaded several of the kings, that the pope could absolve their conscience from all obligation by the laws, and from agreements, promises, and oaths to their kingdom;[4] to maintain their great charters, and all their laws and liberties; and that they prevailed upon one of them to resign the [5]kingdom entirely to the pope, and to hold it of him by rent; *and they understand that* the people, in free parliament only, made and declared all such dispensations *and resignations void* and null; and justly required those kings to renew their oaths to the kingdom, to preserve their liberties; and scorned (with indignation) the pope's demands[6] of his pretended rent for the kingdom, declaring, that their kings had no such patrimonial right in the kingdom, to subject it to any powers on earth.

They cannot hope that a freely-chosen representative of this kingdom can suffer such a delusion to be put upon them, to be persuaded that due Christian liberty of conscience requires them either to allow the foreign Romish laws or canons, to contest for power and place with the laws of England, or to suffer any of the subjects of England openly to profess themselves, their persons, marriages, or estates, to be subject to any foreigner's jurisdiction; and to depend on their authority, offices, and sanctions, and the exercise of them, for their eternal salvation, (which is, in truth, to renounce their subjection to England,) or to own and avow to have the nearest union and communion with foreigners, that openly profess themselves mortal enemies to more than a hundred to one of the whole realm, and to be bound in conscience to seek their suppression or destruction.

They cannot think that a free English parliament *should not* always know, that no doctrines of Jesus Christ ever destroyed or changed *the natural* and civil right of any person or nation; or allowed, that any *part of the* people of a free country should correspond with, or depend upon the *declared* enemy of the far greatest part of it; they have therefore resolved to overturn the very foundation of our civil government, the people's free choice of their deputies for parliament, that there may never be a free parliament more in the kingdom, which is a plot much worse than their gun-powder treason.

[1] See the grievous complaints of the Commons in 25 Edw. III. 4. Provisos, and 6 Rich. II. 5. 27 Edw. III.

[2] See Parliament Roll, 4 Hen. IV. 1 Hen. V.

[3] See the Statutes, 3 Hen. V. Statutes, 4, 7. Hen. IV. 8.

[4] So the pope absolved Hen. III. and Edw. I. from their oath to keep the great charter.

[5] King John made.

[6] See the Roll Part. 40. Edw. III. num. 8. rot. claus. 3 Edw. I. calls King John's charter, and granted to the pope a most unjust and forceless charter, since burnt.—*Orig. Notes.*

It seems they *think it* safest as yet, to keep a shadow of elections for their intended convention, *by forming* bodies politick of cities and towns, to name or return whom the king *pleases*, and by the specious name of liberty of conscience, with promises of favour *and threats* of displeasure, to deceive or affright the other electors, to accept of those *for* their deputies that the king shall offer; but if this attempt upon the prime fundamental of our whole civil government shall be suffered, the king may hereafter, *with* as much justice, law, and reason, call whom he pleaseth, from any parts of the kingdom, to consult with, and in the name, and under pretence of their advice, change our laws and customs, impose taxes, and alter at his pleasure the succession of the crown.

We must with sorrow shew your highness, that they have so far prosecuted this their design against our government, that they have rendered it impossible to have a legal free parliament elected and returned, in the present state of the cities and boroughs, the sheriffs and officers, and the condition of the electors, great numbers of them are quite barred of their freedom and indifferency to elect, which our law requires, by the declared displeasure of the king, and the threatened and certain loss of their offices and employments and benefits, if they accept not of such for their trustees as have unworthily resolved or promised to vote against our established laws, as the king will have them, without hearing the reasons about them by the kingdom in parliament; and, as we believe, without knowing the intent and purpose of the laws, they promise to abrogate.

'Tis not now practicable to have the legal free consent of the kingdom unto the making or repealing of any laws, (without which they cannot be obligatory,) until there be a just restoration of the customs and liberties of the cities and boroughs, which have been illegally and treacherously surrendered, or unduly wrested from them, and legal magistrates shall be duly chosen to execute writs for elections and make returns, until there be a revocation of the king's terrifying declaration of the unfitness for parliament, and publick employment of all that will not help to finish his great work begun, of destroying all our penal laws, for preventing the popish practices against the rights of the crown and the realm.

Nor until there be an absolute renunciation of all the promises, engagements, and subscriptions of the electors of parliament, taken by his majesty's orders, and ministers to restrain their freedom and indifferency in their elections. Thus the cunning and malice of our popish adversaries have cut off all our legal means of relief by the free common councils of the kingdom, whilst they lay close siege to take our bodies and souls captive.

We need not remember your highnesses that these attempts and endeavours to subvert our liberty in our religion and government, is a part of that general design that was formed and concluded on many years since, in the most secret councils of the popish princes, chiefly managed by the jesuits, to root out of all Europe the profession of the protestant reformed religion, and the people's *liberties*.

We will not mention the notorious actual prosecutions of that popish resolution in several kingdoms and dominions,[1] nor the treacherous falseness of those princes in their treaties, agreements, and oaths, nor the oppressions, bloodshed, and all kinds of unrighteousness that have been practised by them, in order to that general great design.

The instance alone of the French king is enough to be named instead of all, because he hath owned and published to the whole world his part in that design, and by com

[1] Note, that Cromwell took upon him such a power, to send for men by his letters, without election, and called them a parliament, and made acts, and intended to have changed the succession of the crown to his own family, if those his creatures could have agreed with him.

[2] That is, in France, the dukedom of Savoy, the kingdom of Poland, and many others.—*Orig. Notes.*

paring the violences, banishments, and murders done upon the protestants at the same time, by other popish princes, (as they were able) with his public confessions of his long-laid design, we may make a true judgment of the whole.

The French king, by his edict [3] of 1685, hath declared, that he entered into that design from his coming to the crown; and it appears by the edict [4] then prepared, and agreed by his council of conscience, that all his renewed edicts in the protestants favour, his acknowledging and registring in parliament their great services for him, and his advancement of many of them to the highest dignities, military and civil, in his kingdom, were done to flatter and deceive them; he calls God to be witness of his designs and resolutions at that time, to abolish their religion by degrees, and that he only attended his fit opportunity for that great work, as 'tis called by our king, and by that edict.

In that interim of his seeming kindness to the protestants, and solemn professions to them and some of the protestant princes, for their observing faithfully the law and edict of Nantz, that was like the French protestants great charter; there were all possible secret contrivances and practices to prepare for that great work, especially in England, that hath long been the head of the reformed religion, and the chief terror of the French king and the popish world; he shewed his fear of the people of England when he barbarously banished his now majesty, and the late king, in their distress, rather than displease Cromwell; he therefore applied his principal councils and endeavours to distract and weaken the protestants of England, and to persuade and assist the late king covertly to increase and strengthen the popish party; for that end, his dearest confessor, the jesuit Le Chaiz, was ordered to correspond with Mr Coleman, that was then secretary to his now majesty, and the letters, [5] confessed by him before thousands, shewed that the matter proposed was to root out of the world the protestant religion, under the name of the northern heresy; and ten times more of the particulars of that wretched design had appeared, if all Mr Coleman's latest letters for two years and a half, that were brought to Whitehall, and many culled out of the rest, had not been there suppressed, and kept from the sight of the parliament; yet Mr Coleman on his trial confidently avowed, before all the people, that design of subverting the protestant religion, and that he was only a subordinate minister in it.

It appears by those letters that the French king's money was to manage that work, and the letters brought into parliament by the now Lord Montague; acknowledged by the late king to be written by his order, prove to the world that the late king was content to become the French king's pensioner, for five hundred thousand pound per annum, to keep off the meeting of parliaments. We had then discovered the increase of popery, and the danger of the protestant religion; and had thereupon formed the parliament's test, and were preparing other laws for security against the popish designs.

It hath also been manifest to the world, that all kind of devices and artifices that the jesuits councils could invent, were, about the same years, used to pervert the faith and religion of the united provinces, or to betray them into the French king's power, or at least a dependence upon him.

'Tis now notorious to the world that an agreement was made between the French king and his late majesty of England, to subdue and divide those provinces, that they might no more be either a support or refuge for the protestants. We crave pardon for our boldness, that we humbly appeal to your highness, whether your integrity and constancy in the protestant religion, and your fidelity to your country's freedom, were

[3] That edict of 1685 is worthy to be read by every true protestant.

[4] 'Tis fit to see in that edict prepared, as it's published, the opinion they have of protestants that they are deemed uncapable of having any right to claim the benefit of the treaties, promises, or oaths made to them by the papists.

[5] See in Coleman's Letters in print, published by the parliament's command.—*Orig. Notes.*

not, about those *years*, vainly attacked by those two kings, or at least by one of them; and whether *the* piety, generosity, and brave scorn and indignation expressed at their proposals, *did* not fix an enmity in their hearts against you, the effects whereof you have *suffered* ever since.

The world hath also seen the effects of the French king's prosecution of the same design to take away the support of the protestant interest, by his pensions to the chief *men* of the kingdom of Sweden, and to such as he could prevail with in the court of Brandenburg, and all other princes courts that adhere to the protestant interest.

Yet the chief of his expence was upon our late king and his ministers and counsellors, who concurred in all the secret practices and contrivances to weaken the power of the protestants, and to suffer the greatness, glory, and terror of the French king to be advanced; but he durst never openly and avowedly join with him in the great work against the protestant religion, for fear of his protestant subjects, he having deluded them with so many solemn protestations of his faithfulness to their religion and their liberty.

The French king found, by experience, that the parliaments had prevailed with our king to break all the measures that they had taken together for the destruction of the united provinces, by obliging him to a separate peace with them, which had forced him to let fall his then spreading plumes, and in crafty ways to seek and solicit a truce; and therefore he durst not, during our king's life, put in execution his great work *that he declares had been so long in his heart*, that by torments, murders, and *all sorts of barbarous* cruelties, to oppress the professors and profession of the reformed religion, and entirely to raze and expunge the memory of it, as his edicts and his practices now declare to be his intentions.

The French king durst not throw off his disguise and shew himself to be like a raving wolf to his protestant subjects, until our now king had publickly espoused the popish design, which he had, together with him, long prosecuted in the dark, and until he had begun to invade the protestants liberties and securities, his putting the military powers into popish hands, and to demand the parliament's consent to a law, (which they refused) to authorize him to make his papists the guardians of the protestant religion and lives.

The French king then knew that the people of England were in no capacity to interpose in behalf of his protestant subjects, however he should destroy them; and, as *his edict* says, being by the truce without fear of disturbance, he entirely applied himself to *the* great design; he sent his dragoons to destroy the poor protestants goods, and to torment their bodies with more cruelty and inhumanity than ever was practised since the creation; he resolved, for his glory, (as his clergy told him) "to shew himself the first and most illustrious of the church's children, and the extirpater of the protestant heresy," which they told him was a more solid and immortal title than he acquired by all his triumphs.

He then presented that work of extirpation, as Saul did to strange countries, breathing out threatnings and slaughter; he sent to the Duke of Savoy, and, as that court complains, persuaded and frighted that prince into a most unchristian and bloody decree, to compel the most ancient protestants in the vallies of Piedmont to turn papists forthwith; and they being faithful to their religion, that edict was pursued by the help of his dragoons, and the harmless protestants tormented and murdered more cruelly than the worst of vermine or serpents, until they were utterly destroyed, and their country given to the papists. That court of Savoy seems still ashamed of that horrid wickedness, and says, for their excuse, "that the French king declared he would root

[6] See the relation of it printed.

[7] See Dr Burnet's letter from his personal enquiry.—*Orig. Notes.*

out those protestants by his own force, and possess the country, if the duke would not have assisted therein."

The suppression of the protestants of England hath been always esteemed the principal part of the popish design, to extirpate the protestant religion, and therefore all the Romish councils, policies, and industries; their conspiracies, poisoning, and massacres, have been long employed about it, and have perfectly gained our now king to serve their design; they have united him with the French king, that their conjoined councils, treasures, and strength, may finish the work of bringing England to the obedience of their church. 'Tis many ways evident that both the kings are under the like conduct, and our king proceeds in the same methods against us wherein the French king hath been successful, to destroy the protestants of his kingdom. His first attempt is to subvert our civil government and laws, and the freedom and being of our parliaments, just as the French king first invaded the supreme legal authority of France which was vested in the assembly of estates, from whom alone he now derives his crown. Our king, in imitation of his brother of France, strives to bring all the offices and magistracy of the kingdom, that were legally of the people's choice, to be solely and immediately depending on his absolute will for their being, whether they arise by our common law, or be instituted by statutes or charters. He endeavours, by various artifices, to bring the disposal of all the properties and estates of the people, and their lives and liberties, to be at his mere will, by a perversion of the instituted course of our juries, and by judges and a chancellor fit for that purpose, and every moment dependent on his will; he seeks to make his proclamations and declarations to have as much power over our laws as the French king's edicts: and, after his example, he establisheth a mercenary army, to master and subdue the people to his will.

If he can prevail in these things to overturn the civil government, then the liberty of the protestant profession and of conscience in all forms, however seemingly settled by him, will be precarious, and he may as easily destroy it as the French king hath abolished the irrevocable edicts, treaties, or laws of his kingdom, confirmed by his oath, which were as good security to those protestants as any Magna Charta that our king can make for us, or any act of a convention with the name of a parliament which is possible for him to hold in the state unto which he hath reduced the kingdom.

Our king hath the same French copy, by which he writ, assuring the protestants of grace and clemency, giving them promises of equal liberty of conscience with his papists, in preferring unto offices and employments those whom he resolves to suppress and ruin, preventing the execution of laws, and in allowing liberty of conscience in some notions, and the outward forms of worship in the Christian religion, provided always, that they have no regard or conscience for the substance of Christ's religion in justice and righteousness, nor stumble at complying with him, or assisting him in the highest crimes against Jesus Christ, by invading the rights and liberties of the kingdom, and assuming a forcible domination to oppress whom he pleases, which is a subversion of the very foundation of justice and love amongst men, and by consequence of the religion preached and established by Christ.

These matters of fact are self-evidences, and clearly shew, that our grievous oppressions by our king are the effects of the united councils of the popish interest, whereof the French king is the chief. That the conspiracy against true religion and liberty that now appears in England, comprises all the protestant princes and states in Europe; England is only first attacked, as the principal fortress of the protestant profession, if the three kingdoms of England, Scotland, and Ireland can be reduced into the pattern of the French king, in government and religion, and the strength of them be united against any single protestant state or prince they shall think fit to assault, if they can, by artifices, keep the rest divided, which will not be hard for them, for there is little hope of any long defence of such a state.

The French king seems not unwilling to have it known, that the popish design is general against all profession of the protestant religion, though especially against England; *he* hath allowed the Bishop of Cosnaet's speech to him at Versailles, in 1685, *to be* published, who was authorized to be the mouth of the clergy of that kingdom; *he* magnifies the king for suppressing the protestants of his own kingdom, and asks what they may not yet expect; England, saith he, is just offering to your majesty one of the most glorious occasions that you can desire; the king of England, by the need which he will have of succour, and of the support of your arms to maintain him in the catholick faith, will make you quickly find occasion to give a protection wholly of yourself. We know very well, before the French clergy declared it by that bishop, that the same head that contrived the perversion or destruction of so many millions of the protestants in that kingdom, designed the ruin of the English religion and liberty; but it surprised us to see that speech published by the French king's authority, and that our king should suffer the translation of it to pass freely in England, and through the world. We thought it beneath the majesty of a king of England to be content that his subjects should be told, that he was to come under the protection of a king of France, over whose kings and kingdom his ancestors had so often triumphed; but it seems nothing is to be esteemed inglorious that may serve the general popish design of extirpating the protestant profession.

We need not put your highness in mind, that the same speech acknowledges, that the popish councils and conspiracy against England intend the like ruin to the religion and freedom of the United Provinces; that bishop tells the king, that he hath undertook the conquest of new countries there to re-establish the prelacy, the religious worship, and the altars; that Holland and Germany have been the theatre of his victories, only that Christ might triumph there, that is, that the papists might trample upon the protestants and their religion; and this he speaks, (as he says) in the very spirit of the church, and signifies their hopes of success against the poor protestants to be unbounded, saying, "What may we not yet expect?"

We must freely confess, we were too slow to believe this desperate popish plot against the whole protestant profession, and in our particular case, we have been deluded with our king's promises to protect and maintain our religion, our laws, and government, until we see them all undermined, and the train laid to blow them up, by a packed convention of men pre-engaged, perverted or corrupted, to serve the king's will and designs, that shall assume the name of parliament; we were not utterly insensible of the danger of our liberty in our religion and our government, from the time his now majesty declared his late majesty to have been a papist; but who saw, that by their secret conjoined councils, they had not been able to prevent the making some laws to secure the protestants, by excluding papists from our parliaments, and all offices and employments; and we hoped that our king's life would not be sufficient to overturn by degrees, (as they had begun to proceed) the excellent foundations of our civil government, nor to extinguish the clear light of the truths of Christ professed in our religion; and we were assured, that your highnesses minds were clearly enlightened in the doctrines of the protestant religion, and adorned and accomplished with all Christian and royal virtues fit to possess the highest throne.

Thereupon we encouraged each other to suffer with patience his majesty's attempts against our laws and liberties, presuming that your highnesses would ere long be our joyful deliverers, to the everlasting confusion of the popish designs against our government and religion, and to the vindication of the innocency of the protestant martyrs in all the kingdoms of Europe.

But as your highnesses were the greatest objects of our earthly hopes, so the thoughts of her royal highness's succession to the crown, in conjunction with your highness's virtues and military prowess and magnanimity, were matters of the greatest horror

and dread to all the popish councils of Europe; they have therefore applied themselves to various consultations; sometimes it hath been proposed by his majesty's power, with a parliament, by the deluding names of Liberty of Conscience, and a Magna Charta therein, to fetter your highness in your accession to the crown, with such conditions as were obtained in parliament in the cases of Queen Mary and Elizabeth; which they hoped to strengthen, by his majesty's putting the papists into possession of all the strength and authority of the kingdom, united with all the power of the French king, that your quiet admission to the throne might not be possible, unless you should submit unto and depend upon the papists, and the conditions that they should impose; but they found it of greater difficulty than they at first imagined, to get a parliament that would join with his majesty in such a project against your highnesses; therefore some of the more cautious papists, of considerable fortunes, stumbled at the absolute force of a mercenary army, and the French power to put a force upon the heiress of the crown; they propounded, that his majesty should rather try the force of his paternal power with her royal highness, and use all the arguments of interest to induce her either to change her sentiments in her religion, or at least to moderate her thoughts concerning them, and incline her to concur in their full liberty.

If such endeavours should be hopeless, that then your highnesses should be at least prevailed with to declare your consents to his majesty's declaration for liberty of conscience, and your concurrence in his desires to a parliament for the repeal of all the penal laws in matters ecclesiastical and the test.

It was presumed, that your highnesses might have been persuaded, that the laws suspended and dispensed with by his majesty were only two or three laws against the protestant dissenters holding their conventicles, and some laws made since the Reformation only to compel papists by great penalties to come to church, and to keep their priests out of the kingdom; and it was hoped, that your highnesses compassion to all Christians, and a tenderness for the liberty of consciences, would have moved you, without further examination, to have complied with his majesty's request.

It was believed your highnesses would never have enquired after the penal laws in matters ecclesiastical, made by the ancient papists many hundred years since, against the horrid invasions by the Romish church, on the rites of the crown and realm, whereby they had impoverished, enslaved, and almost ruined the kingdom; nor that your highnesses would have understood, that the king hath opened a return to all those wicked practices of that popish church, and that the repeal of those laws would settle them.

It was supposed that your highnesses had not known, that the penal laws in matters ecclesiastical contain most of the clearest authoritative declarations that are extant in any records of the rights of the English crown, of the form and constitution of our government, and of the rights and liberties of the subject; the church of Rome's claims, usurpation, and intolerable abuses and oppressions, having put a necessity upon the kings and parliaments to make those declarations of law, that are now ancient evidences of the inheritances of the kings and people, of inestimable value.

It was imagined that your highnesses would not have discerned the consequences of a general repeal of the penal laws in matters ecclesiastical, that by enacting only his majesty's declaration, (as he propounds there) would be the most absolute and complete establishment of popery that the Romish church can wish. All the canons, or laws of the church of Rome, shall then have greater legal force in England than they have had in five hundred years past; and all her authorities and jurisdictions over our persons and estates will be in the same manner legal, by ancient usage and approved by parliament, as ever they were heretofore in England; part of Magna Charta itself will be repealed, that makes it penal to such as the priest shall delude to give their lands to religious houses.

There was such a confidence of deceiving your highnesses, and obtaining your con-

sent to the repeal *of* the penal laws, that the priests spread a rumour that you had agreed, and *that his* majesty understood you well therein; a false jesuit had the impudence to *whisper* it as a secret, that their general design could not miscarry, seeing they *were* secretly assured, that the Prince of Orange would concur in it, when it was seasonable to declare himself.

We were certain of the falseness of those rumours, some of us knowing of applications that were contrived by his majesty's order to your highness in that matter; and we were much surprised, when a friend of ours at Whitehall told one of us, about the end of August last, that the rumours of your highnesses concurring with his majesty were suddenly hushed; and that he heard a whisper, that it was said with much anger, that your highnesses were obstinate in your errors, and thought to make yourselves popular with the church of England, and he would trouble himself no more with you, but you should repent it.

Some few of us, who had often conferences, concluded, that the king had changed his measures, but could not imagine what was designed to offer to a parliament, in lieu of a protestant successor's consent, to oblige them to repeal the penal laws desired by his majesty. It was not long before we heard it muttered that the queen was with child, and then the papists began to triumph, and the priests gave out boldly, that it would set aside her royal highness's right to the succession, though it were a daughter; and ignorantly and impudently affirmed, that if the queen had a daughter born after the king came to the crown, it ought to succeed before a daughter born when he was but a duke; but none but the papists gave any credit to the reports that she was with child; and the fable of the Duchess of Modena's request in heaven or purgatory, and the Lady of Loretto's helping her to conceive a son, for the sake of a fine present, made all but the papists believe it a mere invention of the priests, whatever should ensue.[1]

[1] Dryden, as poet laureat, and a catholic convert, salutes the infant thus:

Hail, son of prayers! by holy violence
Drawn from heaven——

And again,

By prayers the mighty blessing was implored,
To prayers was granted and by prayers restored.
Britannia Rediviva.

But the true-blue protestant poet, who wrote the following lampoon upon the thanksgiving appointed for the queen's conception, was less courtly:—

I.

Ye catholick statesmen and churchmen, rejoice,
And praise heaven's goodness with heart and with voice;
None greater on earth or in heaven than she,
Some say she's as good as the best of the three:
Her miracles bold
Were famous of old,
But a braver than this was never yet told;
'Tis pity that every catholic living
Had not heard on't before the last day of thanksgiving.

II.

In Lombardy land great Modena's duchess
Was snatch'd from her empire by death's cruel clutches;
When to Heaven she came, (for thither she went,)
Each angel received her with joy and content;
On her knees she fell down,
Before the bright throne,
And begg'd that God's mother would grant her a boon,
"Give England a son in this critical point,
To put little Orange's nose out of joint."

The story of it shewed it to be of the lineage of the popish legends, and was a matter of laughter and derision amongst the people, and a subject for poets lampoons, which were so common, that they were in Whitehall itself, and no doubt they came to the knowledge of his majesty, and most of his court. The more serious protestants presently apprehended, that a supposititious son was designed to abate your highnesses growing reputation and power; all the protestants of Europe then justly looking upon her royal highness as heiress apparent to the English crown, and your highnesses in all respects to be the fittest head for the protestant interest, against the general popish design.

They knew this device to be necessary for supporting the glory and terror of the French king against the greatning reputation of your highnesses, by the expectancy of the English crown; it is known, that he dreads your highnesses vindication and recovery of your own rights, from his manifest violence and rapine, and your patronage of the protestant interest in all Europe against his arbitrary and bloody designs.

He knows, that if her royal highness succeeds to the crown of England, he will be quickly incapable of prosecuting his cruel intentions against the protestants of other countries; and, it may be, scarce capable of supporting his grandeur and triumph over his miserable subjects.

The very expectation for eight or nine months, that the queen might bring forth a son, was greatly for the popish advantage; if the trick should have failed in the issue, by any unlucky accident, it made a stand for a time of the protestants of all countries, in the great expectations from your highnesses; it raised triumphant hopes in all popish countries; it strengthened the English papists hands and hearts to prosecute their design vigorously; it encouraged corrupt and time-serving protestants in profession to

III.

As soon as our lady had heard the petition,
To Gabriel the angel she straight gave commission;
She pluck'd off her smock from her shoulders divine,
And charged him to hasten to England's fair queen;
" Go to the royal dame,
To give her the same,
And bid her for ever to praise my great name;
For I in her favour shall work such a wonder,
Shall keep the most insolent heretic under.

IV.

" Tell James (my best son) his part of the matter,
Will be with this only to cover my daughter;
Let him put it upon her with his own royal hand,
Then let him go travel and visit the land,
And the spirit of love
Shall descend from above,
Though not, as before, in the shape of a dove;
Yet down he shall come in some shape or other,
Perhaps like Count Dada,[z] and make her a mother."

V.

This message with hearts full of faith was received;
And the next news we heard was the queen had conceived.
You great ones converted, poor cheated dissenters,
Grave judges, lord bishops, and common consenters;
You commissioners all
Ecclesiasticall,
From M———ve the doubtfull to Chester the tall;
Pray heaven may strengthen her majesty's placket,
For if this trick fail, then beware of your jacket.

[z] The Pope's nuncio.

fall in with their party, and prevailed with many weak dissenters to make them believe a succession of popish princes, and that their liberty of conscience is only to be expected from them; and that therefore they ought to serve in their employments.

When we saw the incredulity and mockery of the multitude, at the story of the queen's great belly, and the sad apprehensions of the more considerate, that, for the politick support of the popish design, a counterfeit son of the king's might be imposed on the kingdom, we resolved to observe and keep memorials of the rise, progress, and issue of the whole matter, (as far as we could get intelligence.) We presently perceived that the popish priests were the prime reporters and most confident asserters of the undoubted truth of the matter; and they boldly took upon them to presage, that the queen was with child of a boy, that was to finish the settlement of their church in England, as certainly as if they had seen the fœtus perfectly formed in her womb; or rather, as if they had been privy to the plot of a suppositious boy, and had their cue in the management of it.[1]

Their manner of talk and boasting increased the general suspicion; we knew that sort of priests maintained the vilest wickednesses to be lawful for their church's service, and that they have been notorious for impostures and forgeries of all sorts; they once forged an eternal gospel, (as they called it,) to support the orders of the mendicant fryers; and if we may believe some of themselves, they have a Father Titler in some rich convents, to forge titles to any man's lands adjoining to theirs, when the convents have a mind to them: Those priests contrived Queen Mary's great belly, for a counterfeit heir to the crown, to have carried on their catholick cause, and as great publick triumph and solemn prayers for her belly were made at Rome, and in all popish countries, as have been made in our queen's case: but their design was unluckily crossed, when her deliverance was expected, and all their joys and prayers vanished in smoke.

[1] The effects produced by the annunciation of the queen's pregnancy are well described by Ralph:—"The effect of this news was equally great on the two parties, and at the same time wholly different: the jesuits at court and their followers overflowed with raptures, and foolishly talked of it as little less than a miracle; which, in such a country as this, could not fail to excite ridicule and bespeak unbelief: some boasted of the virtue and efficacy of her majesty's rich offerings to our Lady of Loretto; others of her mother the Duchess of Modena's vows when living, and intercession when dead; others of the pilgrimage of the king to St Winifred; and others, among whom was the Earl of Melfort, of the Holy Ghost moving on the Bath wafers: All were strangely elated on the occasion; and some made no difficulty to pronounce that it was a son: Albeville was one of these; and when he returned to the Hague was so intoxicated with this persuasion, that he spoke out, says Bishop Burnet, what another man would have suppressed: for when the Prince of Orange put him in mind of the king's promise, to maintain the laws and the established church, he very cavalierly said, 'That upon some occasions princes must forget their promises; and as to that body which he called a church, it would not have a being two years to an end.' On the other hand, those who had no other prospect of deliverance out of the harpy talons of popery and slavery, than by the succession of the Princess of Orange, received the confirmation of this news with much inward sorrow and outward contempt: some inventing, many believing, and all circulating such stories as would best serve the great and necessary purpose of establishing a belief that the whole affair was no better than a solemn imposture; and which stories were neither over decent, well-bred, or charitable: a pillow, a dropsy, a tympany, a cushion, the queen's maladies, the king's crazy constitution, were the favourite topics of the wit and humour of the day: nor were they confined to conversation only; they found their way to the press; they were set forth in verse and prose, and were circulated from hand to hand through every corner of the kingdom. Partridge, the almanack-soothsayer, in his predictions for the year 1688, printed at the Hague, took upon him to say, 'that there was some bawdy project on foot either about buying, selling, or procuring a child or children for some pious uses.' And again, 'Some child is to be topped upon the lawful heirs, to cheat them out of their right and estate. God preserve the kingdom of England from invasion, and keep the protestant there from being dragooned!'—And here again Queen Mary's affectation of a big belly, and the discourses it gave rise to, as recorded by Fox, the martyrologist, were again revived; no endeavours were wanting to show that the two cases were exactly parallel: And upon the whole it was concluded, that if any process was on foot to abuse the nation, the very attempt called for the highest resentment; or if, on the other hand, the queen should really bring forth a son, the nation could not be visited by a heavier calamity."—*Ralph* I. 980.

Some of those priests were the agents for the bloody and unnatural usurpation of our King Richard III. A priest preached at Paul's cross, to make the people believe that King Edward IV., his elder brother, whose sons King Richard had murdered, was a bastard, not the lawful son of Richard Duke of York; and that Richard was the true legitimate son, and had been a long time wronged of the crown belonging to him.

It was a priest's invention and management to set up Lambert Symnell, a baker's son, against Henry VII., counterfeiting him to be Earl of Warwick, and laying claim to the crown, and was proclaimed king in Ireland, and marched into England with a good army, to maintain his pretence: And by the like advice, Perkin Warbeck, another counterfeit, was set up against the same Henry VII., by Margaret, Duchess of Burgundy, to be Richard, the younger son of Edward IV., and made such a considerable party in Ireland, and was so received and assisted in Scotland, that he bid fair for the crown: And we could not forget what a cheating trick the jesuits invented and practised of latter years, about procuring an heir to a crown that is become the chief support in Europe.

The remembrance of these, and many other wicked frauds of the Romish priests of the like import, to change the successions of crowns to serve their church, and seeing them so busy and industrious to prepossess the people's minds with an opinion that the queen had a great belly, and that it was a son, when it was impossible in nature to be known, if she had been then really pregnant;—these things, we say, put together, confirmed our suspicions, that they acted a part as they were influenced, and that a counterfeit son might be resolved on, to be set up for Prince of Wales, as common fame confidently reported.

The collections and observations we have since made, of the thing that occurred during the queen's supposed pregnancy, and about her pretended delivery of this son, hath made the truth of the matter so plain in our apprehensions, that now we no more suspect, but conclude and believe this pretended Prince of Wales to be a mere counterfeit; and we hold it our duty to your highness, to our country, and to the whole protestant interest, (this child being set up against all these,) to set before you all the memorials we have taken in the whole matter, several of us having been at last very near the court, during the whole transaction.

We crave leave to put your highnesses in mind, that before we can convincingly set forth the special and particular facts and circumstances that we have remarked in this matter, 'tis necessary that we first remember and evince the truth of some general conclusions about the proofs and evidences whereby a true judgment ought to be made of this supposed prince; and if your highnesses shall be clearly satisfied in the truth of those conclusions, whereof we cannot doubt, you may be fully convinced by them alone, without further hesitation or enquiry, that this supposed Prince of Wales cannot be justly judged, by any kind of rules of justice or law whatsoever, to be in truth born of the queen.

The first certain conclusion to be remembered is this, that, by the universal rules of justice and equity, any child of our queen's, (that was expected or hoped to be the heir of the crown of three kingdoms, and to postpone or set aside an undoubted heiress apparent, and also the right expectant of a warlike prince, and divers princesses of the blood,) we say, such a child ought to have been attested to be born of the body of the queen, of the personal certain knowledge of proper witnesses, suitable to the case and concern, in so great a number, and of such unspotted fame, undoubted authority, and perfect indifferency, that the proofs of its birth could never have been reasonably drawn into doubt or question, either in England, or any other Christian kingdoms or states.

A son of the queen's body had naturally and really made an entry in the moment of

his birth, upon the apparent right of her royal highness: She had thereby rightfully ceased to be *heiress* apparent to the crown; and no rules of natural civil justice, nor the law of any civil government, will allow or suffer entries to be made, and persons to be outed of the rights they apparently had in judgment of law, without sufficient proof, either of right paramount to the others, or a determination of these former rights apparent.

Our English laws, and special statutes for that purpose, abhor any entry upon the apparent legal right of another, either of the will of the king, or of any subject; the admission of such a practice is absolutely destructive of property, and all civil justice and government; it dissolves the whole civil government, and turns all into the confused course of natural right. Wheresoever a civil government and property is established on entry of will upon the legally apparent right of others, without sufficient manifestation of their own greater or better rights, is directly contrary to God's eternal law, of all righteousness amongst men.

Upon these certain infallible foundations we build our conclusion, that this supposed Prince of Wales, born of the body of the queen, ought, by the laws of England, the fundamental rules of all civil justice and government, and by the unalterable laws of God, to be manifestly proved by them that pretend it beyond all possible contradiction, in such manner as is described and specified in the preceding conclusion; and such proofs ought to have been publickly divulged and made known to England and the world, before his patrons ought to have entered, in his name, upon her royal highness's right, in the judgment of our laws, to be styled and reputed the heiress apparent to the crown of England, and to assume to him that honour and glory which her highness justly had in England, and all the kingdoms and states of Europe, to be apparently the next successor to the crown of England.

Questionless all the civilized kingdoms in the world that are hereditary, have pursued these principles of justice and reason in their common custom, to have their princes born in the presence of the princes of the blood, the chiefest men of religion, and the greatest nobles and officers in the highest trust for the kingdom, and the ambassadors and ministers of foreign kingdoms and states, that the heirs of those great inheritances might be so known and manifest, that it might not be possible for any controversies to arise about their births, and their being the lineal heirs of the respective kingdoms. Whensoever rights of any kind are obtained, merely by virtue of birth, those that claim them are bound to prove, by witnesses suitable to the respective circumstances of every case, the reality of their pretended birth, at their peril of being justly excluded from the rights they demand; yet justice does not always require the like witnesses and clearnesses of testimony about the birth of all common persons, the circumstances of their cases being so different, that witnesses of such qualities, and in such a number, as may be sufficient proof for the birth of one heir, may justly be judged insufficient for the birth of another.

But the birth of the pretended Prince of Wales was attended with such circumstances, that justice required that his birth of the queen should have been testified by a plenty of such witnesses, as their proof might have amounted to the highest degree of certainty that is possible to be built upon human testimony; doubtless the circumstances of his pretended birth were very extraordinary.

It was generally reputed and believed, that the queen's sicknesses and infirmities had disabled her to bring forth a living child; the famous physician, Dr Willis, shewed that opinion to his brethren, of one of her children, when her majesty was much stronger, saying, "There were *mala stamina vitæ*;" and the popular opinion therein was confirmed by several years experience.

It was notorious, that two hundred to one throughout the kingdom did not believe the report that her majesty was with child, notwithstanding all that was said of it by the king and queen, and the prayers enjoined thereupon.

That her majesty's pregnancy was as little believed in foreign protestant countries as in England, and pamphlets were published in several countries, as well as in England, that declared the report of the queen's being with child to be nothing more than an artifice of the jesuits, by those hopes of a popish successor to the crown, to encourage the catholicks in their designs, and to gain proselytes.

It was publickly known, that there was a jealousy in the greatest part of the kingdom that the popish councils had designed to impose upon them a counterfeit Prince of Wales.

There were also circumstances about the birth of this supposed prince of another sort, and no less important. It was the general opinion, that the security or danger of the profession of the protestant religion, not only in England, but in all the kingdoms and states of Europe, would be the certain consequence of her majesty's bearing or not bearing a Prince of Wales.

The birth of such a prince was to be a great diminution of many princes and princesses, in their expectancy and primity to the succession to the three crowns, and threatened England with the danger and misery of falling under an infant prince in name, and in truth under the domination of Rome.

All these special circumstances attending the birth of this supposed Prince of Wales, being of such nature, import, and number, as the like never met together before, in the expectations of the birth of any prince in the world; in this case natural justice common to all nations, and the practical reason of the special customary law of England, in the proof of matters of fact, we say, both universal justice, and the peculiar law of England required indispensably, that there should have been such proper proof that this supposed prince was born of the queen, as was answerable unto all the special circumstances in the case; such proof as had comprehended the objections that might arise from every of them, as fully as was possible in the nature of the things, that the testimony of his birth might have been sufficient to have satisfied the most jealous and distrustful about it, in our own and foreign countries, and to have removed all the prejudices against it that were known to have been spread far and near by common fame.

It was absolutely necessary in justice, law, and prudence, to have had such proof of his birth as our precedent conclusion hath asserted;[1] that is,

That there had been testimony of it, of personal and absolutely certain knowledge. Women to have testified their personal sight and perception of that very individual child coming naturally out of the queen's womb, and men to have witnessed their immediate free and full sight and inspection of that very child, by the women's assistance in his pure natural nakedness, with all the known marks and tokens of his being just separated from the womb, and from those other things that are natural to the birth of a child, the effects of such separation being there visible and impossible to be hidden;

[1] Such proof, according to the poet laureat, the nation actually had, and most historians have been of his opinion :—

> "Fain would the fiends have made a dubious birth,
> Loth to confess the godhead clothed in earth;
> But, sickened, after all their baffled lies,
> To find an heir apparent in the skies,
> Abandoned to despair still may they grudge,
> And owning not the Saviour prove the judge.
> Not great Eneas stood in plainer day,
> When, the dark mantling mist dissolved away,
> He to the Tyrians shewed his sudden face,
> Shining with all his goddess mother's grace;
> For she herself had made his countenance bright,
> Breathed honour on his eyes and her own purple light."
>
> *Britannia Rediviva.*

such testimony is always provided for in the birth of every prince of the blood in France, though never so remote from the crown.

That the witnesses of those matters had been fit and proper witnesses, suitable to the greatness of the persons and things that might be in question, and to the vast extensive consequence that may ensue thereupon. Nature, or the first light from God created in the minds of mankind, dictated the equity of those Roman imperial laws, that appointed those which asserted filiation or marriage to prove them, by fit or proper and most unquestionable witnesses; most of the writers about those laws serve themselves therein of these words severally, which we will for shortness put together; *Matrimonium et filiationem qui asserunt, debent, probare pretestes, idoneos omni exceptione majores;* they that alledge a marriage or a child being by virtue whereof they claim, ought to prove it by witnesses, that are above or beyond all possible exception: In this case there ought to have been such fit witnesses, that nothing could have been objected against them in any respect, either by Englishmen or foreigners.

That the witnesses that law and prudence required of both sexes had been fit and proper, in respect of their years, or age; that the women had been matrons, whose gravity and sobriety were fit to attract some decent reverence from the men of like quality, in their exposing to them nakedly the works of nature, as was unavoidably necessary.

That they had been fit and proper, in regard of their sufficiency of knowledge and understanding in the matters of child-bearing, such as knew by experience all those works of nature, in what manner the mothers ought to be, and are customarily treated in their real travail and child-bearing, and immediately after it, and what are the natural symptoms in the mother, that accompanies their real bringing forth of a child, before it hath been its natural time of nine months in the womb, and at its due natural time, and also the signs of a child perfectly grown in the womb, or brought to light before its time of perfection; it was of necessity that the witnesses had been of such knowledge and experience in all these matters, or so sufficiently informed about them, by others of skill and faithfulness, that it might have been evident to the kingdom, that such witnesses could not be imposed upon, deluded or deceived, by any cunning artifices, to believe this pretended prince to have been born of the queen, if he were in truth supposititious and counterfeit.

The general rules of our canon law required, that the witnesses had been publicly known to the kingdom, by their persons or their names, their interests, concerns or employments; our fundamental laws have taken care, that all matters of fact should be decided by juries of the neighbourhood where the facts are done, that the witnesses that testify them may be known to the jurors; and fraud is always suspected, if persons unknown to the neighbourhood of the facts be produced to witness them, unless there be manifest reason of their knowledge of the fact better than those that were near the place, and known to the jurors.

The reason of our law is of impregnable force in the case of the supposed prince, that the witnesses of his birth should be persons publickly known, on whose knowledge, truth, and credit, the whole kingdom and the Christian world should rely in a matter of such vast consequence; obscure unknown persons never publickly named or heard of in this or any foreign kingdom, and above all, obscure foreigners, French or Italians, or others, ought not to be deemed fit or competent witnesses to satisfy the kingdom in this fact; indeed, when circumstances are considered, it will be evident, that the pretended testimony ought to be rejected; and if it be offered, it justly puts a prejudice upon their pretences, in regard there was a whole kingdom, besides all the eminent ministers of foreign princes and states, out of which witnesses might have been selected, that were publickly known, and heard of by all the people; and the necessity of it was never more so manifest in any case, it being known to his majesty and his whole

court, that the queen's being with child was not generally believed, either in England or foreign countries.

Common justice required, that the witnessess had been fit and proper, in respect of their high distinguishing quality, either that they had been dignified with some of the highest ecclesiastical dignities, as archbishops or bishops, or had been, by birth or creation, of the degree of the greatest nobility of the kingdom; or that their extraordinary worth had raised their reputation, and had been honoured with the great and eminent offices of trust in the realm.

Our laws are impartial to high and low, in hearing the testimonies of witnesses in every case, and therefore they duly consider both the circumstances of every fact to be proved, and of every witness, and his capacity to prove it; our laws indeed judge not truth and integrity to be annexed and intailed to dignity, nobility, or greatness, yet they justly claim the testimonies of persons of great dignity in the church, or of noble birth, and raised knowledge and fortunes, and independent upon others, to be more free from exception, (which this case requires,) than those that are of weak understandings, without the advantage of excellent breeding and instruction, or indigent, and bound to depend upon favour of others for their support, like nurses and midwives, and other servants.

Therefore, (*cæteris paribus,*) the capacity and probability of knowing the facts and indifferency of witnesses of high and low degree being equal, our laws justly allow most weight and credit to the testimony of dignified and noble witnesses; and they are therefore required to prove the fact of a prince's birth, whereupon depends the right and title to kingdoms, to exclude the apparent right of one, and to put another into possession of the same.

Our laws presume persons of such high degree to have greater sense and regard to conscience, more generosity and contempt of falsehood, and more tenderness of their honour, than those of low condition; and upon that presumption, noblemens affirmation upon their honour are in many cases accepted by our laws in lieu of their oaths, unto which all others are obliged in the same like cases; and for that reason, their declarations of the birth of a prince, without their making oath thereof judicially, have been as certainly relied upon by the kingdom, in the descent of the inheritance without d spute, as if they had sworn their knowledge in the forms of justice.

There are also other circumstantial reasons, unto which our laws have regard, for the greatest value to be put upon the testimony of the nobility of both sexes, about the birth of a prince; they are most accustomed to the presence and conversation of the king and queen.

Such ladies are justly presumed to be free from too great awful distances, common to those of lower quality, and to have more audacity and confidence to make such near approaches to the queen in her travail and bringing forth, as are necessary, that they may be ocular witnesses that they have seen the child in its very birth; and such nobles are more bold and free to take such a searching view of the child in its naked naturals, as may make them knowing witnesses of its birth, and absolutely certain that they are not deluded with a supposititious child.

Such noble witnesses are also known to have greater obligations upon them than others, to prevent all possible questions and disputes, that may arise by any uncertainties about the succession to the crown, which may divide and destroy the kingdom, and their great interest and posterities: Their conditions and fortunes also are supposed, by our laws, to be above temptations by bribes of wealth or honour, to connive at falsehood, or to stoop to serve a counterfeit prince.

Upon all these considerations, the witnesses of the birth of every English prince ought to be of such high and noble quality; and it was known to have been infinitely more necessary, that the reason of our law had been exactly observed in the case of

this supposed prince, than ever it was since the foundation of the kingdom; there never was any such occasion to have stopped the mouth of public fame, or to have shewed the justly jealous subjects, that there were such fit and proper witnesses, that a prince was now born of the queen, as were unquestionable, without any possible exception, whose truth and faithfulness might be relied upon securely. Justice also required for full security, that there had been competent and sufficient numbers of those fit and proper witnesses, at least that there had been so many of them as were able to obviate all ways and practices of deceit, that it could not have been supposed to be possible that a fraud had been put upon them.

This sort of caution is always just and necessary in the birth of our princes, but in the present case, there could have been no honest end, intention, or pretence, to have confined themselves to a small number of witnesses of fact, wherein a kingdom known to be filled with just suspicions of an imposture to be put upon them, were to be satisfied merely by the witnesses averment, and a noble princess also to be excluded from being heiress apparent to the crown.

Our laws require witnesses of facts answerable to the nature and circumstances of them, and always require ample testimonies, when the parties that are obliged to prove them had it in their powers and choice, without charge or burden to themselves, to have multiplied their witnesses to what number they had pleased, and could not be ignorant of the usefulness or necessity of it, and yet more especially if the fact were such, whereby great benefit was to accrue to them, and answerable loss unto others; in such a case it would much abate the strength of the proof in the course of our law, if there were such a small number of witnesses as might leave room for any objection, or the least doubt of the fact.

The antient Roman imperial laws in the cases of subjects, when there was a posthumous to be born, that might exclude another heir apparent: We say, those laws in common natural equity to prevent a supposititious child, appointed thirty days to be given to the apparent heir, and all others whose right was concerned, of the expected time of her travail and delivery, that, on the behalf of the heir apparent, women might be sent to be present to see the birth of the child that might become the heir; that law confined the number to five free women to be so sent, allowing her that was to be delivered to have also five women of her own chusing, and no more, so that the number to be present at her delivery should not exceed ten, besides two midwives and six maid servants that were no witnesses.

This rule was set down positively in the empire, as the dictate of natural equity and prudence; and although England hath no positive written law that prescribes any set number of friends to be sent in such a case, by the heir apparent to see the birth of such a child, yet the custom and practice is in every such case (though no fraud be suspected) to give notice to the next heir, and that some of their friends are customarily sent, (to what number they please,) to be present at the birth of the child that may be an heir, to the exclusion of another.

That practice with us is not of favour, but of legal right; our common law generally binds all that set up a claim to any thing that another hath, to give such notice of his pretence as is needful to make his just defence, if he can, and to prove the fact whereby he claims, by such a number of witnesses as may put the truth of it out of doubt to the court of judicature; but that number in the course of our law is greater or smaller according to the cause that appears of jealousy or distrust of the truth of the fact pretended.

These rules of our law, and the reasons of them, fully include the case of a pretence of a child to be born to exclude an heir apparent; and if there were many known grounds of suspicion in any such case that it was designed to set up a supposititious child, and a notorious common fame of it, and no notice were given of the time expected of the child's birth, hoped to be heir to the then heir apparent, or to any that

had expectancies of the inheritances. We say in such a case, by the rules and practices of our laws, a small number of witnesses of the birth of a child ought not to be believed, since they that should claim for such a child might, by due notice to the parties concerned, have had such witnesses as had put the child's birth beyond all question.

Certainly by the reason of our common law there ought to be a much greater number of witnesses of the birth of every of our princes, than of the birth of the subjects heirs; but our law requires, that the birth of this pretended Prince of Wales should have been proved by a greater number of witnesses than was ever needful heretofore; in the case of a prince, there ought to have been so many fit and proper persons present at his pretended birth, that it might have been manifest to all that had heard it, that the eyes of so many witnesses of such condition, knowledge, and judgment, could not have been deceived in what they had testified to have known and seen, the number ought to have been so considerable, that there could have been no reasonable suspicion that so many of both sexes, and of various dignities, honours, and interests, (and some of them of consanguinity with the former heiress apparent,) had made a confederacy amongst themselves, to abuse the kingdom with a counterfeit prince, and that so many had kept each others counsel in a fraud and falsehood so odious and injurious.

It had been common prudence as well as justice to the realm, that the witnesses of the birth had been very many, that amongst such a number some of them might have been known in one part of the kingdom, and others in another part, and that some of their names and qualities might have been known in foreign countries, and for that reason the ministers of foreign princes, (according to custom) ought to have been some of the witnesses: The peoples knowledge of the names, qualities, or persons of the witnesses had much conduced to their fuller assurance of the truths; it would have appeared to them incredible, and almost impossible, that the integrity of such and so many witnesses could have been attacked either separately or jointly.

But on the contrary, seeing custom and law required a good number of fit and proper witnesses to have made up a testimony of the birth of a prince that might have been truly said to have been *omni exceptione majus*, above all possible objections against it; and seeing the wit of man cannot invent a reason why the king and the patrons of this pretended Prince of Wales did not provide such ample and unquestionable testimonies that he was born of the queen, when they could not be ignorant that it was the voice of common fame in England and foreign countries, that her majesty's conception of a child was merely fictitious, and that a supposititious prince was designed; and seeing no excuse or pretence is published for the neglect or failure of such a testimony of his birth, we say (the circumstances of the case being considered) it's most unjust to expect or demand of your highnesses, or of the people of England, or of foreigners, a belief and acknowledgment that this pretended Prince of Wales was born of the queen.

As our common law informs us who are fit and proper witnesses, whose testimonies ought to be received in this case, and in the proof of all matters of fact respectively, so the same declares who are deemed to be unfit and disabled to be witnesses, in all the various and respective questions of fact, it shews whose testimonies ought not to be heard, and much less believed, in divers sorts of facts that come into question; if your highnesses and the kingdom be told of the presence of such persons to have been at the birth of this pretended prince, they ought not by our laws to be accounted witnesses, nor their averments in the case to be heard by your highnesses or the kingdom, and much less to be allowed to be of any validity in the common course of our courts of judicature; if parties concerned to prove a fact do knowingly offer for witnesses such as our laws reject in the facts in question, it turns to the prejudice of their other proof; we are therefore obliged to acquaint your highnesses with the actions, qualities, respects and circumstances that have disabled many, by force of our common law, to be heard as witnesses of the birth of this pretended Prince of Wales.

First, our laws utterly disable all those to be heard in the case that have received either gifts of money or honours, or any other reward or benefits whatsoever for their pretended assistance about his birth, or by reason or occasion of that pretence; 'tis the common practice of our law, that when a witness is produced, the adverse party may examine him upon his oath, whether he hath had money or other reward or gift directly or indirectly, for or by reason of the matter in question, or from the party in whose behalf he is produced to testify, or from any of his friends; if he cannot acquit himself thereof by his oath, though it cannot be proved against him, our impartial law denies such a person not only to be partial in the case, but corrupted and bribed, and unworthy to be heard.

Our law will not admit those to be witnesses for the birth of this supposed Prince of Wales that have any promise, expectation, or hopes of any advancement, office, place, or benefit by or under him, if he shall be received and allowed by the kingdom to be Prince of Wales; they that cannot purge themselves by their oaths from all such promises, expectations, and hopes, are not, in the judgment of our law, persons indifferent and unconcerned in the event of the matter in question, nor fit to be heard as witnesses; their testimonies being partly for themselves and their own benefit, and the allowance of such testimonies in judicature would in consequence subvert all civil justice and government. Our law excludes all from being witnesses to support the pretence of the supposed Prince of Wales, that have such dependence on the patrons and maintainers of him, that they are in danger of damage and loss by them of any kind if they should displease them in their testimony. Our laws judge all such not to be free and of their own right in the case, but bound to serve and please the patrons of the cause; and therefore presume that they may be corrupted by fear of losing the advantages they love, if they should impartially declare the whole truth, and nothing but the truth of the matter.

Our laws seek to know the naked and entire truth of all facts that come into legal question or contest, and will not admit of any to be witnesses of them, unless they appear to be free from fears of any prejudice to themselves, by speaking the truth impartially. We are inforced by the concern of all the protestants, to speak more plainly than we would; we must say, that all that hold offices of profit and honour, during the king's will, are, by the laws of England, excluded out of the number of fit and competent witnesses about the birth of this child, whom his majesty hath proclaimed and maintains to be Prince of Wales; our good laws have regard to human infirmities, and will not put a temptation upon men to suffer them to be witnesses in matters wherein they may damnify themselves in the loss of their offices, if they happen to displease their master in his concern in the case, by testifying clearly the whole truth of it; they are not free in the judgment of our laws to speak the truth without fear, and for that reason are not to be received by the kingdom as witnesses in this case.

Our laws will never allow or suffer any to be witnesses in this case who are known or may be proved to have enmity or prejudice of any kind upon any account whatsoever to her royal highness, against whom most immediately this supposed prince contends, she having been most unquestionably the heir apparent of the crown, and justly so remaining, until the kingdom shall be satisfied, by a sufficient number of lawful witnesses, that there is a prince born, whereby her claim to the next succession shall be postponed. The question of fact to be decided by witnesses is apparently between her royal highness and this supposed prince; and 'tis an illegal, unanswerable, and conclusive exception against any to be received for witnesses against her in his behalf, that they are declared enemies to her and the professed protestant religion, the destruction whereof they are bound in conscience to endeavour; and for that reason, such known enemies to her right of succession to the crown, that their church have decreed and

declared her right, and the right of all protestants, to any authorities to be absolutely forfeited to the papists for protestants heresy.

It cannot be denied, that all that are sincerely Roman catholicks, and believe their own church, do judge her royal highness to be an excommunicated heretick by their church, and that all her rights in possession and reversion are thereby confiscated, and that they are obliged by the law of their church, in conscience of their religion, and by the hope of pardon of their sins, to defeat and destroy, by all ways and means in their power, all her pretensions to the descent of the crown upon her, and to assist to the investing the right to the succession in a Roman catholick. We might here add, that our English papists are all in union and communion with the pope, as appears by his nuncio in London; and he is, by the ancient laws and statutes of this realm, declared the publick or common enemy of the kingdom, near two hundred years before Henry VIII.

'Tis manifest that the English papists are declared enemies to her royal highness's right in this case, between her and the pretended Prince of Wales; and therefore, by the laws of England, they cannot be witnesses of the fact in question, neither ought their testimonies therein to be offered to the kingdom to delude the people.

The civil law so fully concurs with our common law in rejecting enemies to be witnesses in the cause of their enemy, that it denies to give credit to what they may testify in the cause of their enemy with their dying breath after they have received the Eucharist; that is the general conclusion of the doctors of that civil law, *Inimicus etiamsi in articulo mortis constitutus, et accepisset Eucharistiam repellitur a testimonio causæ sui inimici;* we mention this chiefly to shew, that 'tis not only by our English laws that our papists are rejected from being witnesses of the birth of this pretended prince against her royal highness, but by the ancient approved rules of the civil laws that they generally acknowledge, and by the judgment of their own doctors.

Herein are only set forth to your highness the laws of England, that you may justly insist upon as your right, to prevent the church of Rome's conspiracies against you; we reflect not on the credit or truth of any Roman catholick lords or others in giving their testimonies in matters of private interests, wherein the cause of their church is not in question, and the laws of their church bind them not to either party; but since they are bound in this case to be enemies to her royal highness, our law will not allow them to be believed to her prejudice; and they must openly renounce that common honesty to which they pretend if they offer themselves to the kingdom to be competent witnesses against her in behalf of this pretended prince, when they are conscious to themselves, that not only our laws, but natural justice and equity abhors such a practice.

We must say with all due reverence and most humble submission, that our laws will not allow that the declaration or testimony of his majesty or the queen should be accepted and believed in this case as lawful proof that this pretended prince was born of the queen; 'tis sufficient for us that our laws will not suffer our kings to descend into the place of witnesses, they will not admit them to testify their own knowledge of the facts in any case whatsoever, criminal or civil. But there's abundant reason also from natural equity and civil justice, that the kingdom should not receive and rely upon the king's affirmation about the birth of this supposed prince; their majesties have publickly espoused his cause for their own in all respects, and none on earth, kings or subjects, may justly expect or be suffered to supply the place of witnesses in their own case, since civil government is established; if they might lawfully be their own proof for their cause, they might as justly be judges of their own proofs, which in consequence would turn up the foundations of civil government, one of its chiefest original intentions being to introduce a course of justice, that none might be their own judges.

We would not speak thus plainly, if it were justly avoidable; we cast no scandal hereby upon *his* majesty, nor any way come near the crime of detraction; we barely relate the law of England in this case of his majesty's affirmation of the birth of this pretended prince, that it hath not the force of legal proof, or of the testimony of one legal witness; and his majesty is obliged, in justice and honour, by his office and oath, not to impose upon his subjects to believe and rely upon his affirmation or word in this case, (nor on the queen's, that's necessarily included in his,) he cannot desire the people diffusively to change their ancient customs and laws, to substitute their king's words or assertions in the room of sworn legal witnesses, to prove the matters of the highest moment about the government.

If the kingdom should allow the affirmation of their kings to be sufficient to make a lawful Prince of Wales, without such witnesses of his birth as our law requires, they should consent to change the ancient constitution of the English monarchy, and so destroy the established legal security of their freedom and estates; the laws of England in this case are not dissonant from the laws of other kingdoms, and the most absolute empires; the civil law now received in most Christian kingdoms, that was so adapted to absolute government, that it was one of its principles, that *principis verbum prolege habendum est*, the word of the prince was to be taken for a law; we say that law never ascribed absolute credit to the prince's affirmations of matters of fact, wherein the subjects rights were concerned, it passeth for a rule of that law in such cases, *princeps indistincte non creditur;* the emperor is not to be believed entirely, without limitations and restrictions, in his affirming matters of fact relating to his subjects legal interest and securities.

The learned doctors in that law determine, that the emperor's affirmation that a subject hath committed treason or rebellion against him, ought not to be believed, or taken for a proof; they say expressly, *regi fides non adhibetur si attestatur talem fuisse proditorem;* likewise, if he pretends and declares a cause why he deprives any subject, or feudatory, of his interest, he is not to be believed, there must be proof, and the parties intended to be prejudiced must be cited, and heard in their defence.

They generally resolve, that when a king asserts or attests any thing to the prejudice of another, he is not to be therein believed, especially when his affirmation is for his own advantage, and to the subjects damage or inconvenience: these are their words: *Quando ex assertione principi ipse principaliter sentiret commodum et subditi incommodum, tam ipsi principi non creditur.*

The Emperor Henry VI. of Germany had a due sense of the justice and reason of the law herein about the year 1200; he did not expect that the people should believe the affirmations of himself, and his empress Constantia, about the birth of a prince, when there was a rumour and suspicion that Constantia was past her age of childbearing, and feigned a great belly; he gave the people plentiful proof by witnesses, more than reason required; he prepared a most publick place, wherein she remained, expecting her time of delivery, *ventre custodito*, with publick watchers or keepers, that no suppositious child might possibly be conveyed to her, and there, in the sight of the people of the city, and all the matrons that would and could possibly approach her, (none being excluded) she brought forth a prince, that was afterwards chosen Emperor Frederick II.

If it were needful, we could shew your highness that the honour and security of our royal family of England, with the peace and safety of the kingdom, were intended in the constitution of our legal monarchy, in such manner that the kings should not have power at their will to change the succession, or by any means prevent the descent of the crown to the next in blood; but if the kingdom should believe his majesty's affirmation of this supposed prince's birth, without proof thereof, according to the laws and customs of England, the next succession were really and actually there-

by put out of the legal course, and referred to the will of the king, which is in effect to make the crown patrimonial; whereas, by the laws and customs of England, the right to the crown descends to the next of blood, and the successor is most properly to be stiled the heir of the kingdom, by force of the kingdom's laws, and cannot be defeated of the succession by any act of the predecessor; if therefore the king shall gain so vast a power, by imposing on the people to believe his attestation of this supposed prince's birth, 'tis manifest that natural justice, as well as the law of England, makes it of no force or effect to the prejudice of her royal highness, in her esteem of being the heiress apparent of the crown.

We believe the jesuits, and other maintainers of this supposed prince, will claim, (as is their common practice,) against these our laws, whose force detects and defeats their impostures; they will pretend, that 'tis unreasonable to expect a testimony of his birth from such witnesses, and in such manners as are hereby described, exclusive of all Roman catholicks; but the reason and wisdom of these laws are irresistible, and 'tis a great circumstance shewing their guilt, that they are displeased with the laws that prevent falsehood and impostures, and require proofs of facts as clear as the sun.

The just and innocent are never offended at any law that provides for truth and righteousness; they cannot but be conscious to themselves that it was more easy to have provided such witnesses as our law requires of a prince's birth, than to have had such as they provided, that would counterfeit to be spectators, and be content (as 'tis now said they were) to see nothing of the fact of which they were to be published to the kingdom to have been the knowing eye witnesses.

'Tis notorious, that the presence of ten of the protestant nobility of either sex, and other persons of eminent quality, might have been as easily procured as one of the catholicks, if it had been intended to deal justly and fairly with the kingdom, and they know that the protestants throughout Europe (not the papists) wanted and desired satisfaction about the queen's great belly and her delivery, the suspicions of a counterfeit prince were strong amongst them, and decried by all the papists; they knew the friends, and those of consanguinity with her royal highness, were as ready to attend, if they had been called, as any catholick whatsoever; and they were not ignorant that custom, law, and natural justice required that convenient notice should have been given to her royal highness above all others, of the expected time of the queen's delivery, that such noble matrons as she had thought necessary might have been sent, to have continually attended near her majesty, and to have been impartial witnesses of the birth beyond exception; they understood the custom of calling embassadors to be present at the queen's delivery, and that a common fame of a designed imposture was spread in foreign protestant countries, and that there were envoys and publick ministers from some of them, especially that the Dutch had an embassador there, and expected to have been called: they know that those provisions for legal unquestionable proof of the birth that was pretended had been no hinderance of the presence or assistance of as many papists of each sex as her majesty had desired; and she might have as entirely depended upon their only help, if it had been her pleasure, as if those lawful witnesses had not been present.

The popish counsels delude his majesty if they persuade him that any pleas of inadvertency, neglect, or ignorance can satisfy the kingdom, instead of the proofs in the case that the custom and laws of England require: 'tis a rule of our law, that none shall make advantage of their own lachez, that is, their failures or neglects of what they ought to have done; less evidence is never to be accepted in our courts of judicature, because the party concerned was negligent in seeking it, or ignorant when he might have known his duty.

We presume your highness, in reading this, may be satisfied in the truth of our first preliminary conclusion, which is necessary to be always remembered, in order to a just

judgment to be made of this supposed Prince of Wales, and of the things proper to be done by your highness, by reason or occasion of his pretences; we doubt not your highness will clearly perceive what you may in justice demand of his majesty in the case, preserving nevertheless a most pious sense of filial duty.

We may more remember your highness, that, as the case now appears, no acknowledgment of that pretended prince can justly be required of your highness by his majesty. 'Tis contrary to justice and our laws, that her royal highness should depart from her place and claim of heiress apparent to the crown, and resign it to a child who is not yet lawfully witnessed to have been born of the queen. We therefore put your highness in remembrance of a second conclusion, fit to be premised in this case, as an absolute certainty to be insisted on, that is,

That neither the laws of England, nor any natural or civil justice, do require of your highness any kind of testimonies or proofs that the pretences of this supposed Prince of Wales are false and feigned, or that he was not born of the queen.

Whosoever claims to be the natural and legitimate son of any family, 'tis wholly and solely incumbent on him to prove it by the laws and customs of all civil government, and by the manifest light of nature: those two rules of the civil law are adopted by all countries into their courses of judicature, *Qualem quis se facit, pro fundamento intentionis suæ talem se debet probare;* and, *Filius qui petit hæreditatem tanquam filius debet probare filiationem: If sonship, or other quality or relation, be the ground of a demand, that foundation must be always proved by the demandant;* if he that pretends to be heir by his birth to any inheritance, fails of such sufficient witnesses as the respective laws of countries require to prove his proximity of blood, there needs no testimony on the part of those that deny his lineal descent. The course of the law of England is known to most Englishmen, in the trial of all claims by birth; the claimant is always put to prove all that he sets forth of his descent in his declaration, and the least defect of proof is fatal to his process, if the defendant perceives the plaintiff to want sufficient legal testimony of his descent and birth; he never troubles the court with proofs on his behalf; 'tis enough for him that he denies the descent pretended, to shew the insufficiency of the witnesses, and their testimony produced to prove it.

Your highness is not obliged, either by our laws or natural justice, to have witnesses to prove the pretended Prince of Wales to be an imposture, her royal highness having been the legal acknowledged heiress apparent of the crown. Unless such lawful witnesses, that he was born of the queen, were known and published, as did satisfy the kingdom, neither your highness, nor any princes or states, may in justice acknowledge his pretences; her royal highness ought to remain in the esteem of the kingdom, and of all princes and states, as the heiress apparent of the crown, at least until a prince shall be legally known and declared; and 'tis a manifest wrong to your highness, to the kingdom, and to all the protestants interest, to suffer this supposed prince, silently and submissively, without publick complaint of the wrong, to assume the name of prince and heir apparent to the crown.

When the popish league endeavoured to set aside the claim of your highness's ancestor, Henry IV. to the crown of France, and proclaimed the Cardinal of Bulloign to be king, he sent agents to the pope, (though he was then a protestant,) and to all the princes and states of Christendom, to manifest himself to be the right lawful heir of that crown, and the Venetian state, (to his vast advantage,) contested it with the pope's nuntio, that they ought so to acknowledge him, because it appeared that he was the right heir.

His right indeed was to be king in possession; but there is the like reason and justice to support her royal highness's title to the crown in reversion, since another is set up, and declared throughout the world, to be the right heir of it, immediately after his now majesty. 'Tis undoubtedly just and reasonable for her to demand and expect that

the pretender's birth (so much and so justly suspected) should be made manifest to the kingdom by witnesses, without exception, according to the law and custom of England and to natural equity.

It may be of dangerous consequence to suffer a false opinion of him in the kingdom and the world to gain strength by time and neglect; yet neither law nor equity puts any burden of proof in the case upon your highness; 'tis only incumbent upon your highness to declare the wrong to yourselves and the kingdom by the pretended prince, and to take care that no illegal, imperfect, or fallacious testimony in the case be invented or obtruded upon yourselves and the kingdom, to support his pretences; her royal highness's claim and right to be the next in reversion, after his now majesty, in the legal descent of the crown, ought to stand unshaken and unquestionable in the judgment of our law and the kingdom, notwithstanding any thing to the contrary that hath been hitherto lawfully published or declared.

We cannot doubt but 'tis here made manifest that your highness's publick refusal to acknowledge this pretended Prince of Wales may be built upon such sure foundations of law and justice as can never be overturned; we would not therefore trouble your highness with all the circumstances of the case which we have remarked in our observations, that make it to us not only improbable, but incredible, that he was born of the queen. Since 'tis not possible for us to send witnesses personally to prove to your highness every circumstance that we have noted, and 'tis not just that your highness should take them up upon unknown authority; since we cannot in prudence subscribe our names to this memorial, nor so much as the names of our witnesses to the facts; since the proof of the circumstances can never be a foundation of positive unquestionable certainty, but can only serve to make the falsehood and jesuitical contrivance in this imposture more infamous and odious; since 'tis undoubtedly your highness's interest never to depart from the manifest principles of law and justice, which put it wholly and entirely upon the maintainers of the supposed prince to prove him to be such as they pretend, with the highest human certainty that can be acquired by witnesses, and to the kingdom's full satisfaction:

And since 'tis notoriously known, that above all others of the Roman church, the jesuits (which in this matter will most earnestly contend against your highness) have the greatest effronted confidence to deny and forswear matters of fact, however certainly proved and known; and they would be glad to have any thing offered in this case that might give them room, or a possibility for dispute, and seeming doubtfulness of fact, that they might obscure the truth, and deceive some of the people with their equivocal affirmation, and impertinent cavils at your highness's witnesses, or their testimonies, and their bold asseverations of falsehoods:

Upon all these considerations, we shall restrain from the relation of many very pregnant circumstances that we had collected, which, if they were taken jointly in their natural order and due connection, would, by their united force, strongly induce impartial judges to conclude that the queen could not be the mother of the supposed prince.

We could give very great circumstantial assurances to your highness that there never was, or appeared to be, any reasonable grounds for a belief that her majesty had conceived a child. She never had the first most natural, known, and common sign of conception: her *menses profluvium*, or *termes*, continued their usual uncertain course as formerly, during the whole time of her pretended great belly; she did not conceal that it was with her after that manner of women in her journey to Bath, nor that they continued some days after the king left her there, and all the industry used afterward to hide them in their seasons, proved ineffectual, because those things come to the knowledge of more than were made privy to the whole imposture designed.

Her majesty having not that natural sign of her termes stopping whereby women usually conclude themselves to have conceived, from whence she could make a reckon-

ing, it seems, by the king's speech in council, that their majesties had both thought fit to publish her conception to have been at the time of the present made to the Lady's Image at Loretto, upon the king's return to the queen at Bath.

It was then too soon for them to be provided of a supposititious child, and so might name any time they pleased of her conception, and then seek for a child that might agree with it; and it appeared pious and great to make her conception one of the miracles of the Lady's Image, though it happened unluckily afterward that they could not make the times of her conception and supposed delivery to agree with nature's most constant time of nine months.

The confidants and advisers about the imposture hearing the voice of common fame upon the king's declaring when the supposed new-born child was shewn, that he had now a son, a strong and lively prince, the meanest childbearing women that were disinterested, saying thereupon in mockery, that such a child of about eight months was as great a miracle as the queen's conception had been reported; we say, the confidants fearing it might make the whole story less credible, and help to detect the fraud, they have persuaded her majesty to declare that she had miscounted the time of her conceiving the child, and that she knew very well that she was with child before her use of the bath; by this new reckoning, they thought that it might be affirmed that the child was born at his due time, and might be strong and lively, as his majesty had said, and they thought it an easy sham to say women misreckoned very often.

But it was unhappily forgotten that her majesty had continued and expressly affirmed her first reckoning several weeks after her pretended delivery; it was forgotten that it was known sufficiently that her majesty had her termes in her journey to Bath, and four days after the king's going from thence, which was a manifest proof that there was then no conception; it was not considered that if it be truth that the queen knew herself to have then conceived, as she hath lately declared, then it cannot be a misreckoning, and the meanest physician she had at Bath would have told her, that if she had imagined a conception, as she now says, bathing would probably destroy the embryo.

It was not well remembered how the king had declared with her majesty's privity the miracle of the time of her conceiving quite inconsistent with her now account; neither was it thought of in the now council how her majesty's truth and honour should be saved in her contrary stories of the time of her conceiving, even since her supposed delivery; but we need not mention that, since the world knows how little regard the jesuit confessors have to truth.

Her majesty shewed no grounds to believe her pregnancy by nature's progress therein; the common natural signs, that in four months follow in every woman that hath a child in her womb, were wholly wanting in her majesty; there was no swelling or increase of the usual proportion of her breasts, nor was there any milk ever seen to be in them, (though one lady took the confidence once to affirm it) the proportion of them was visibly the same to the eyes of all that can be lawfully witnesses, and were usually in her presence, and none of those ladies proper to be witnesses could ever obtain the satisfaction to see a drop of milk from her breasts, though it had been her majesty's honour, interest, and pleasure to have shewed it, if there had been any reality in the pretence of her pregnancy.

We put this circumstance into our memorial not without some mirth in our meeting, because one of our company said he was now sure that neither her majesty's physicians nor the jesuits were natural philosophers; they might (said he) with very little arts have caused the queen's breasts, at her age, to have swelled with milk so plentifully, that she might have easily milked it forth in quantity in the sight of the Princess of Denmark and all the protestant ladies of the court; it may be done (said he) in rational or animal creatures, and he gave us instances of undoubted credit wherein it had been

done to his knowledge, and a child suckled; and, to divert us, he offered to shew it in an animal, he having also tried that experiment, and thereby milked out the milk from a young creature's udder that had never been with young; another of the company said merrily, if that were so easy an artifice, he wondered that the Romish priests had not learned it, since 'tis known to the world that they have long had the art of keeping the Virgin Mary's milk above 1600 years, and of multiplying the quantity of it from horse loads to cart loads, to disperse among their credulous vulgar.

We humbly pray your highnesses pardon that we seem herein less serious than so great a matter requires; we speak only the words of truth and soberness, but the comical tricks of the Romish priests (that commonly end in tragedy) force us to represent them as they deserve.

There's another known sign and testimony of a woman's pregnancy, that is, the sensible stirring of the child in the womb, that was expected her majesty should have shewn to the ladies with joy, especially to those protestant ladies of her bed-chamber that doubted (with the protestant doctor, her then physician) her being with child, as far as they durst (when the quickening of a child in her womb was pretended, and published throughout the kingdom,) it had been a pleasure to her majesty, and no trouble (if it had been real without deceit) to have shewn the motion of a child in her womb to honourable matrons of her bed-chamber, that might have been in all respects lawful witnesses of that truth to the justly jealous kingdom; these might have touched her belly, and had been proper judges from their experience of the true motions of an infant in the womb, and some of consanguinity to the heiress apparent might have been admitted to that favour, as our laws and common prudence directed, for removing the causes of jealousy; but however industriously her majesty's quickening with child was spread abroad, yet the feeling of its motions was never vouchsafed to any competent witnesses of it, to give the suspicious kingdom a ground to believe that she was with child.

The next visible and manifest sign of the true natural progress of a great belly, is the distension of all the parts of the body that encircle and encompass the womb; such is the place and manner wherein nature hath prepared the lodging of the growing child in the womb, that according to its growth and increase, and the quantity of liquors that are naturally and necessarily congested there, so are all the circumambient parts gradually extended and enlarged to make room; there never was, nor naturally can be, an extension only of the *peritoneum*, the rim of the belly, to give room to the child; all naturalists and anatomists know, that if in that manner, no child could keep its natural site in the womb, nor be born alive.

All men and women that ever observed women great with child, know that all the parts that inclose the cavity swell until the time of their delivery approach; but this natural necessary sign of pregnancy so entirely failed in her majesty, that skilful spectators of both sexes wondered that better arts were not used to make that visible sign and appearance of the growth of a child in her womb; we were satisfied by skilful matrons of great experience, that attended on purpose to observe her majesty exactly, that all the outward parts of her body that encompass the womb, were of the same proportion that they were at other times, save only her belly, which was exceedingly copped up, and high, that shew'd like a great bellied woman to them that looked upon her majesty before; but, said they, when we saw her majesty walking, and looked upon her behind, and on each side, we saw not the least appearance in her of a great bellied woman; we took care to have the fashion of her majesty's body observed by skilful women at several periods of time during her supposed pregnancy, and once a very short time before her pretended delivery, and we had always the same account we have here faithfully given your highness.

We compared this circumstance with another that we had marked, whereof we had

from time to time *full* assurance during all the four last months time of her majesty's supposed *being with* child, those being the months wherein usually all the circumambient parts *of the* womb swell most; we were very well informed that in all these months *her* majesty, contrary to her former usual course, always withdrew from her cham*ber*, and retired into her cabinet, or some other private room, with two or three *Italians*, when she changed her linen, and would never permit any one of the protestant ladies of the bed-chamber to see her change her linen, as they had constantly done.

Those two circumstances explained each other, and plainly shewed that the natural naked and true shape of her majesty's body, as it was then, was not to be seen by those that were not of the confederacy in the intended imposture; those that were only capable of being lawful witnesses for her majesty against common fame, (if fame had belied her,) those were all excluded from a possibility of seeing whether her belly was truly and naturally great, and a few foreigners of no quality were only to keep the secret of what her majesty was to make the copling belly.

Nothing can be more manifest than it is by all these circumstances, taken as they ought in connection each with other, that there hath nothing appeared of the natural plainness and simplicity that always accompany truth, in the whole demeanour of her majesty, from the time of her pretended conceiving a child to the very time of her feigned delivery of *this supposed Prince of Wales: all that hath* been acted in the matter *hath plainly imported trick* and design to hide and smother Nature's works, *that ought to have been most freely* exposed to the whole world; if there had been any truth *in* the pretences that could have borne the light, we may securely affirm to your highness, that in all the eight months and four days, first reckoned to have been the time of her majesty's pregnancy, or from the time of her going to Bath in the new reckoning, there never hath been any of these constant natural signs in her majesty that could afford to any understanding man or woman a ground to believe that she conceived a child.

The progress towards finishing the intended imposture of this Prince of Wales hath been answerable to its beginning. In the preparation for her majesty's supposed delivery, there hath been no regard to the rules of natural equity or law, or common prudence, nor any appearance of that open freedom and naturally plain proceeding that ought to have shewn that they did not fear the kingdom, or the world, knowing the truth of all that should be done in that pretended natural work of bearing a child, wherein *the whole kingdom*, and so much of the world was concerned. If the customs and laws of England, or natural equity, had been consulted in the circumstances of the case about the preparations needful for her majesty's expected deliverance o a prince, the first of all advices had certainly been to give early notice to your highness, and to others in the nearest possibility or expectance of succeeding to the crown, of the time of her expected travail and deliverance of a prince, and of the place of her residence at such time; that proper noble matrons and others might have prepared themselves, and attended there, and have been present in their behalf, which might have suppressed and silenced for ever, by their testimonies, all suspicions of fraud and imposture.

But 'tis not only undeniable that no such notice was given either to her royal highness, or to any of consanguinity with her, nor to any other of the noble matrons of England, but such artifices were used as might most conceal the time and intended place of her pretended travail, such feigned time of her supposed conception was published by the king and queen, that neither her royal highness, nor any of the nobility, could possibly foresee the time when the comedy that is now said to have been acted was to begin.

The place where her majesty was intended to lie in was kept in such uncertainty, and often published so variously, sometimes that it should be at Richmond, sometimes

at Windsor, another time at Hampton Court, that none of the nobles of either sex, that were of the kindred and friends of the heir apparent, nor of the protestant nobility, could know how to prepare themselves for attendance on her majesty, as was their duty to their majesties, her royal highness, and the kingdom.

As the publication of the place was often changed, as if a surprise in the place was designed, so at last such a sudden and seeming hasty resolution was taken a day or two before her pretended delivery, that her lying-in should be at St James's, though none expected the time to be near by above three weeks, that commands were given for pre paring her lodgings there so hastily; that when her majesty said on the Friday, she would lie there on Saturday, and it was told her it was not possible her lodgings should be ready, she then said, she would lie there on the floor.

It was hoped by all the protestants, that the Princess of Denmark would have been a faithful watcher for her own sake, when the time of her majesty's deliverance of her great belly should come; though she had not been able, or she durst not give them advice of the occurrences in the time of her majesty's supposed pregnancy, it was thought that she could not be avoided but she would be present to see what was brought forth, whether any thing or nothing; but care was taken that advice should be given her, when she wanted astringent medicines, to go to the loosening waters of the Bath, to keep her fourscore miles distant till the pretended prince should be born.

At the first notice we had of her majesty's passionate declaration, that she would lie at St James's on the Saturday night, we could not conjecture that there was to be a pretended prince brought forth on the Sunday; nor was there any whispers of it, or the least natural feigned or counterfeit sign of forerunning pains of a woman whose time of travail approacheth. Her majesty was late in the night at cards, and no appearance of an indisposition then, nor is any pretended to have been in the night; but we learned by the event on the Sunday, the reason of her majesty's fixed and immovable resolution to lie at St James's on the Saturday night; she was to seem to bring forth a prince on the Sunday.

There was a cunning contrivance to chuse a fit time of that day; it was to be between the hours of nine and ten in the morning, that all, or most of the protestant ladies might be at church, and the trick be over before their return; and that the midwife, Mrs Labany, and the favourite Mrs Tourain, might have freedom and secrecy, as they had, to act their parts in the bringing forth of a supposititious prince.

The room also that was chosen, wherein the trick was to be acted, was fit for the purpose, and contrary to the rules of common prudence, to be chosen in a case suspected for setting up a supposititious child, and ought to have been avoided, if their meaning had been just and good. There was a private door within the ruel of the bed, into a room, from whence a child might be secretly brought, and put into the bed, unseen by any that should attend in the queen's room, though at the feet of the bed; (none of them coming into the ruel;) and by that door the three confidantes, the midwife, Mrs Labany, and Mrs Tourain, brought into her majesty's bed what they pleased unseen.

If they had wanted no secret conveyance by that door, common prudence required that they had nailed or sealed it up, to avoid confirming and increasing the kingdom's just and known jealousies, of imposing upon them a counterfeit prince, when it should be known that there was such secret ways as made it so easy to be done by confederation, undiscerned by others that were in the room; but it appeared by the event, that the privy door was so necessary for the designed imposture, that all the transactions of it were managed by that door, as is well known to all those lords of the council that were brought for a shew, not to see any thing that was done, but only to be seen in the bed-chamber with his majesty, that their names might be published to the people, as if they had been witnesses of the queen's being delivered of this pretended prince.

The civil laws provided, as a rule of common natural equity, that when a woman was

to be delivered of a posthumous child, that might defeat another appearing heir, that the chamber wherein she was to be delivered should have but one door; and if there were more, that they should be sealed up with the seals of both parties, and that keepers should be set at the single door, and no woman suffered to enter until she was searched in all kinds, that no child might be conveyed to the woman in her real or supposed travail; and though we have no express statute that gives direction in such cases, yet our common law abhors all appearance of fraud about inheritances, and hath appointed twelve of the most able neighbours to judge of all the signs and appearances of fraud and setting up counterfeit heirs; who may also judge upon presumptive evidence, and reject any pretended heir, where they see signs of fraud and imposture whereupon to ground their judgment, and every one must, at his peril, take care that there be no grounds of suspicion given of a supposititious heir.

We have faithfully shewed your highness what were the preparations for her majesty's supposed time of travail, wherein there appeared no marks of an intention to deal uprightly and openly with her royal highness, as heiress apparent of the crown, and with the subjects of the kingdom; nor was there any natural signs that her majesty really feared or expected the common sorrows, pains, and danger of a woman in travail, or made any suitable provisions.

We cannot learn that there was in readiness so much as the usual instruments of midwives, whereupon they commonly place all women of quality in their time of travail, that such assistance may be given them, by the matrons and midwives, as is not possible to be given on their knees, which is the common posture of meaner women, and least of all, as they lie in their bed, which is seldom used, until the length of the travail and failure of strength enforce it; there being many natural reasons for the posture of the women's bodies helping them in their travail.

Amongst other suitable provisions, it had been certainly fit that a college of physicians had been called to attend somewhere near to her majesty, if she had not known there could be no need of them; and she being sure there could be no hour of danger to herself, in a feigned travail, nor any sudden need of physicians' advice or help to a strong lively supposed prince that was intended then to be brought forth.

As all the preparations for her majesty's supposed time of travail discovered to knowing and observing people, that there was not reality in her pretences made of a great belly, so the fiction and fraud was made more manifest when the trick came to be acted.

Her majesty lying in bed, with all the curtains round close drawn, all that was provided belonging naturally to a child, and intended to be used by them, in their bringing forth the supposititious prince, being prepared and ready within the inner chamber, then her majesty's feigned travail began: and all these things were, by the help of the midwife, Mrs. Labany, and Mrs Tourain, the confederates, brought through the door in the wall by the queen's bed, and put between her sheets, that is, a child, and all that naturally attends a birth; then the midwife and the confidantes seemed very busy about her majesty in the dark, none seeing what they did; and being afraid, as appeared by the midwife's words, that the child, which was prepared to sleep to prevent its crying before it was got into the bed, should be stifled by the closeness of the bed, they were forced to hasten the queen's pretended delivery, even beyond what was reasonably to be believed, notwithstanding all that could be said of the Lady of Loretto, or any other saint's assistance; therefore the queen's supposed deliverance was in very short time.

But nothing appeared in her majesty like the real natural travail of a woman in childbearing; there being none of the usual natural signs in her majesty of being in real travail, which cannot be hidden; there was no appearance of an approaching travail by various intermitting pangs, usually very great, by the infant's struggling to free itself

of the womb; no shew of the pains naturally and gradually increasing, as more of the ligatures came to be broken or rent, whereby every infant is safely retained in the womb until its full growth and appointed time; there were no signs of her majesty's known weakness in bearing such pangs in her state of body, debilitated with long lingering infirmities; there were no signs of a violent eruption of an untimely birth from the womb of eight months and four days, as her majesty then reported it to have been.

All that was to be feigned was suddenly dispatched, and the midwife delivered something close covered to Mrs Labany, which could be nothing but the child they had put in, and went with it together through the privy door, in the ruel of the bed into the next room, in so great haste, that it was not considered how plainly it might discover, that it was a mere feigned counterfeit travail of the queen's, if the midwife durst quit her attending and assisting her majesty in these moments, when there was the greatest necessity of her skill and assistance in her office, and the most extreme danger of her majesty's life, by any neglect of her, if she had really brought forth any child, as they were obliged to pretend.

Instead of fair open freedom, in shewing that the queen was really delivered of a prince, which our customs and laws and natural equity required, that all those works of nature might have been seen, and testified by noble matrons, their pretended birth of a prince, and all that they did about it, was done in the dark, with the curtains close drawn round about the bed, and under the coverings of it, and none of either sex permitted to see any thing done about her majesty, or her supposed child, save only the confederates; no others of those in the bed-chamber, that drew as near as they might, were suffered to see what was taken out of the bed, being something wholly covered, and immediately carried away by the private door.

All hearkened after the common and most constant natural sign of the birth of a living child, that is, its crying; but we are fully assured, from divers lords of the council, and others that were in the bed-chamber, that the crying of a child was heard by none there, when the pretence was that a child was born, though the midwife would not at first say it was a prince.

We have related to your highnesses no circumstances but such as are notoriously known, or could be judicially proved before any impartial court of judicature, and therefore we will not offer to your highness these conjectures, (though we have them from good hands,) of what was acted about the pretended prince, in the room from whence he was brought, and to which he was carried, before the lords of the council, or any others, were told that there was a prince born: but we have it of certainty from those that were present, that during the whole fictitious travail of the queen's, and a considerable time after it, his majesty kept those lords of the council that were called, not far from the feet of her majesty's bed, that was close shut up; and they neither saw nor heard any thing about the birth of the supposed prince, whereof they can be lawful witnesses to the kingdom, yet the actors of this whole imposture had the confidence to publish forthwith to the kingdom by authority, that those lords, and many ladies of quality, were present at the queen's delivery of a prince, equivocating therein like the jesuits, and falsely insinuating to the people, that those lords, and many matrons of the nobility, had been such ocular witnesses as our laws require, of the queen's being delivered of a prince; whereas, in truth, all that were not of the confederacy waited to no more purpose, than if they had been ten miles off her bed-chamber.

After long waiting his majesty left them, and retired into the inner-room, where was Mrs Labany, and the confidantes, with the supposed prince; and it was soon after said to the lords, that a prince being born, there was no more need of them, whereupon several of them went away; and whatsoever was done in shewing a child to those that stayed, was not worthy of enquiry, since it could be of no use to your highness or the kingdom.

Yet we carefully observed and enquired after the queen's supposed deliverance of a prince, whether there were any natural demonstrable signs in her majesty, that she had newly born a child, that had broke its way by violence into the world before nature's time, as she then affirmed; some of us know well the usual and necessary consequences of such force upon nature in women of such tenderness and weakness as her majesty's; we expected to have heard of her great weakness and danger of her life by a fever, that commonly attends such untimely births; we enquired after the danger of her majesty's breasts, by the unusual redundancy of milk, because one had reported so long before, that she had plenty of it in her breasts; we employed proper persons to ask what woman had the honour to draw her breasts, or whether any applications were made to her breasts to repel or dry the milk; and also, to ask after the good progress of her majesty, in the natural cleansings that follow child-bearing; and of her strength in bearing these unavoidable consequences, whereby all women of her majesty's tenderness and weakness are greatly debilitated; but we could never learn, by our most diligent inquiry, that there was any appearance of these natural effects of child-bearing, though a good doctor's skill might have easily feigned all those, to the delusion of all about her majesty's court.

We have now given your highness an abstract of many of the circumstances which we had collected in this affair; and must freely affirm, that we cannot observe, from the beginning to the end of it, one footstep of sincere plainness; all that hath been done therein, from the queen's pretended conception to her supposed delivery of a prince, hath shewed desires and intentions to hide the truth of those natural things, which they were obliged, by the laws of England, by natural justice, and by their own honour and interest, to have made demonstrable or provable, by sufficient witnesses, to all the kingdom, if there had been truth in their pretences.

There hath been such a total neglect, slighting, and disregard of all the necessary rules of law and justice about needful witnesses of the birth of a prince and heir to the crown, (when they knew that most of the kingdom suspected their setting up a counterfeit,) that it looks like a contempt of your highness and the whole kingdom, as if no satisfaction were due to her royal highness in her admission of an heir to the crown before her, nor to the kingdom in their acknowledgment of a prince to be the next successor to the crown.

The most modest judgment we can make of it is, to think that a blind zeal, (always nourished by the Romish church) to settle a popish successor, hath made them break through all the rules of righteousness, and stifle and extinguish all the natural affections of a father to a child, to do a service to their church that is by their doctrine so meritorious.

Your highness will the better consider all these circumstances mentioned, if you will please to call to mind the occasion and time when this design was first resolved to set up a prince, to bar her royal highness of the immediate succession to the crown.

Be pleased to remember, that it is before observed, that the going to the Bath, and the visit to St Winefred's well, and the present made to the Lady, were preparations for a report of the queen's being with child, and were all concluded upon about the end of August and beginning of September 1687, and then was your highness's compliance with the popish design despaired of.

The abstract of Mr Steward's letters to Mynheer Fagel, which we just now find printed, confirms all our memorials in that matter. He was pardoned, and chosen by the king to have persuaded your highness to a consent that the penal laws and test should be repealed, which had been a full establishment of popery; in his two first letters of July he seeks to persuade your highness, that the king was resolved to preserve, and observe the true right of succession to the crown, and was very desirous of your highness's consent and concurrence in his design, and troubled to find them so

averse from it; in his next letters of the same July he pressed that your highness should have been disposed to hearken to a well-chosen informer, to be sent by his majesty to persuade your concurrence with him, and he pressed extremely for a hasty answer: the new councils for setting up a supposititious prince seem then to have been begun.

That letter seems to threaten what we now see if your highness refused; he doubled his assurance to him that was to solicit your highness, that if you were obstinate, (as they call it,) it will be fatal to the dissenters, and be feared productive of ills yet unheard of: And his letter of August 5. seems to give your highness your last time to chuse the settlement of popery, or to resolve to be true to the protestant religion.

He says, if your highness did what was desired by the king, it was the best service to the protestants, the highest obligation on his majesty, and the greatest advancement of your own interest that you could think on; but if not, then all is contrary. There can be no other meaning, in saying if your highnesses refused, all is contrary, save only this, that the protestants should then have no mercy from the papists; his majesty would be so offended that he would become your highness's enemy; and it would be the loss of your highness's greatest interest, that you can think on, which certainly could be no other than the just expectancy of the three kingdoms.

As these letters threaten that the king would destroy your highness's greatest interest if you refused, so the attempt of it soon after appeared.

It is now known, that in September and October the resolutions were taken to publish that the queen was with child; but before it was publicly declared, that is, October 8, Mr Steward says, he would use no more arguments to your highness, but he then laments your highness's loss of the time of compliance: "Alas," said he, "that Providence should not be understood." Then, in November, he speaks more plainly, (notwithstanding your highness's moderation towards the papists and their liberty was shewn by Mynheer Fagel's letter,) he says that all hope of your highness's concurrence in the king's design was given over, and men were become as cold in it there as your highness were positive here: And upon his new conference with the king, he not only shews the king's dislike of that letter, but says expressly, that your highness's answer was too long delayed, and that the king was quite over that matter. There can be no other reasonable construction of this, than that the king had then resolved of another way to prosecute the popish design, and time hath now shewn and proved to the world that the way resolved on was to set up this supposititious prince for a popish successor.

These letters, by the help of time, shew the design when it was in embryo, and help to make a judgment upon all the other circumstances that we have mentioned; and no doubt, if an evidence made up of all the circumstances that we have mentioned, in their order and connection, were given to any impartial judges, it would be judged as strong a presumptive evidence as ever was given; and in the proceedings of our laws against criminals, judgment hath passed against the lives of many upon far less evidence, this being as full as the matter of the thing can possibly suffer in your highness and the kingdom's case.

But notwithstanding this sort of circumstantial evidence be sufficiently forcible and convincing to disinterested persons, to prove this supposed prince to be an impostor, and it may be more circumstances of the same nature are known to your highness, yet we most humbly pray your highness to wave insisting upon any of them, as entirely as if you could neither prove nor know more about this pretended prince than common fame hath proclaimed without contradiction.

It no ways belongs to your highnesses, nor to the kingdom, to prove the falsehood of his pretences, or any circumstance about his birth, and it would be very prejudicial for your highness to take upon you the burden of producing witnesses and proofs, and

admitting your highness's adversaries to dispute their force and sufficiency, when it belongs to them *wholly* and only to bring forth such lawful witnesses in due numbers as may satisfy your highness and the kingdom of the truth of their pretences, and it is an infinite wrong to your highness and the kingdom, that they have not done it long since, if there had been a true prince born of the queen.

Since it is the kingdom's great concern as well as your highnesses, we are the bolder to propose that the method of defence against the public injury, be made according to the known laws and customs of England; that is, that an open free demand be made in the name of her royal highness, as heiress apparent of the crown; and in behalf of all the people of the realm, that there be forthwith declared and published to the kingdom a sufficient number for this case, of lawful witnesses of either sex, such as the laws of England and natural justice require in the case, who do testify, that, according to the usual practice of their respective sexes at the birth of princes, heirs to crowns, they were eye-witnesses that the child, now called the Prince of Wales, was naturally born of the queen's body.

'Tis but just, regular, and modest for your highness to make that demand, and your insisting upon it to be done immediately without the least delay, and is no more than the right of your highness and the kingdom, that must be confessed by all that either know the rules of natural justice or the laws of England: Our laws require and demand an entry to be made upon all intruders into the rights or inheritances of another, there ought to be legal interruptions made of all wrongful possessions however obtained. A long permission of an illegitimate child to pass for a legitimate heir, is of dangerous consequence to the true heir of an inheritance; 'tis a known rule both in our English laws and the civil laws, *Tacens longo tempore præsumitur consentire*, he that remains long without answering any thing to an intruder's claim seems to allow it.

We crave pardon that we must freely tell your highness, that it hath been our astonishment that your highness has been so long silent and have deferred to make your just demand, and that you have so long suffered her royal highness's chaplains to pray publickly for this supposed Prince of Wales.

Your highness's heart cannot desire the God of truth and righteousness to prosper such an invasion of your own and the kingdom's rights, nor to bless the imposture as such, being set up (though an innocent child) to be a tool in the hands of others to destroy the protestant profession, your highness's claims to the greatest inheritance and the best civil government known in the world. We believe your highnesses to be true Christians, that tremble in the worship and prayers before the eternal Majesty, and therefore hope such a shew of owning him will not be longer suffered to be acted before the great God, that searcheth all the hearts of princes and subjects.

If your highnesses shall first make this legal demand proposed, and satisfaction therein be not given by the maintainers of the supposed prince without delay, then natural justice and our laws dictate that your highnesses demand a retraction by the publick ministers of the king in all Christian kingdoms and states, of the false news they have published of the birth of a Prince of Wales, and their vindication of her royal highness's right apparent to the next succession of the crown.

When a wrongful claimer to be heir of an inheritance cannot prove his true descent, the court wherein he sues his claim not only rejects and damns his false pretences, but openly declares the counterfeit tricks or forgeries that they observe to have been attempted to support the false claim; and our laws enable the heir that hath been disturbed to demand by his action against the false pretender satisfaction for the scandal of his lawful title, and our laws further require his prosecution for justice against all the known confederates in that intended wrong and fraud, for their several crimes therein committed.

We are sensible that most catholick princes have a prejudice to us in the rights we

claim as English protestants, not knowing our laws and liberties, and we have therefore proposed these two demands to be first in order made by your highnesses in the behalf of her royal highness and the kingdom, that we might convince them that we have reason and justice, according to their own laws and rules of right, to seek your highnesses protection against the king's practices (as they yet appear) in forcing us to stoop to a counterfeit prince, and to change the succession of the crown and the whole government, your highnesses having therein a joint concern with us and our laws; and nature itself calls upon you to defend your own and the kingdom's right, to preserve the succession of the crown, as it is by the laws established, which the king had no pretence of power to change.

But we must also humbly fly to your highnesses to protect us against the horrible destruction made by the king of all our laws, for the reformation of our Christian religion, and our security against the open, professed, and mortal enemies of our liberties therein, the king having declared to the world that those laws shall never hereafter be put in execution; and, to make our case therein desperate, hath caused his judges to justify him in what he hath done.

We must also pray your highnesses help against his invasion of all our civil rights and fundamental liberties, and his utter subversion of the free government of England by its ancient customs and laws.

We cannot doubt but your highnesses will be convinced by this memorial that we have not complained of our oppressions until they are become intolerable, nor sought any relief (save from God alone) until your highnesses justly expected inheritance, and the very being of our civil government, are in the most extreme danger of utter ruin.

We are and have been truly loyal to the king, and never refused obedience to any of his legal commands, or any whatsoever that could consist with all our other duties to God and our fellow subjects. We have been content to suffer personal wrongs and manifest injustice, and considered the corruption of men, that abuses and particular wrongs will happen in all governments, and ought patiently to be borne, whilst the fundamentals of civil government and justice are sacredly preserved. Our Christian charity taught us that 'tis better that a few suffer wrongs than to hazard for their just relief more effusion of blood, or other mischiefs than can be recompensed by their obtaining right. We know the jesuits crafts might have clouded the justice that might have been demanded in particular cases, and we have therefore stayed until the justice of what we pray is become demonstrable unto all that are not corruptly and wilfully blind, or led blindfold by the jesuits or their Romish priests.

We are sensible that the king hath used the name of the royal authority and prerogative in all the lawless powers that he hath exercised; and we durst not pray your highness's aid against his doings, if there could be reasonably any doubt or question, whether the things he hath done, and daily doth, might be authorized by the royal powers and high prerogatives which belong to the kings of England.

'Tis most unquestionable, that the noble English monarchy and government had a legal foundation, and was and is established upon customs, franchises, and laws peculiar to the English nation. It was always free and independent upon all the powers and potentates on earth: The kings and the people are, and of right were always free and absolute, to bind themselves by their own laws, made by their joint consent, and not otherwise; they could never be bound by any others than themselves, save only by the laws of the most high God.

A king of England ceaseth to act by the English kingly authority, or as a king of England, if he yield up himself or his subjects to be bound or subjected to any other laws, canons, or jurisdictions, than such as are made or freely received by the mutual agreement of the king, and the representative body of the realm in parliament.

'Tis declared in the statute 6 Richard II. 5. That the crown of England had been so free at all *times, that* it hath been in subjection to no realm; and that the same ought not, in any *thing* touching the regality, to be submitted to the Bishop of Rome, nor the laws and statutes of the realm to be by him frustrated or defeated at his will, to the perpetual destruction of the king's sovereignty, crown and regality, and of all the realm. The commons then prayed the king, and him required, by way of justice, to examine all the states of the realm how they would stand to defend the rights of the crown and the realm against the pope; and it was thereupon ordained, that all that should pursue or bring any bulls or instruments from Rome against the king's regality or his realm, should be put out of the king's protection, and incur a *premunire*, which, as the law then was, made it lawful for any man to kill them.

Likewise the statute of 24 Henry VIII. 12. and 25 Henry VIII. 21. say, That the realm hath been, and is free from subjection to man's laws, but only to such as have been devised and made within the same for its own welfare, or of their free liberty, received by their consent to them.

The king and parliament, near four hundred years since, were so resolute to defend the rights and freedoms of the crown and the realm against the imposition of the pope's canons, and the jurisdictions and powers which he attempted to exercise, that notwithstanding they were papists, yet they, by the statute of 18 Edward III. statute 1. Rot. Parliament, number 38, declared the pope to be the common enemy to the king and the realm, and *so he stands now declared*; and to the like purpose is the Roll Parliament 17 *Edward III.* number 59. Though these statutes are not printed, their force is the same, to make them to fall into the condition of enemies to the kingdom that correspond with him or his nuncio.

It never was in the power of any king of England to yield up or submit the rights of the crown, and the realm and its laws, powers or jurisdictions of any sort, against the will of the realm in parliament; so it was confessed 500 years since, King Henry VI. in his letter to Pope Paschal, *Notum habeat sanctitus vestra quod me vivente [auxiliante Deo] dignitates et usus regni nostri Angliæ non imminuentur, et si ego (quod obsit) in tanta me dejectione ponerem, magnates mei, et totus Angliæ populus, nullo modo paterentur.* "Be it known (said he) to your holiness, that whilst I live (by God's assistance) the authorities and usages of the kingdom of England shall never be diminished, but if I would so debase myself, (which God forbid,) my nobles and the whole people of England would by no means suffer it."

King John indeed unworthily surrendered the crown and regalities to Pope Innocent III. and his successors, and the priest falsely put it into that charter, that it was by the consent of his council of barons he submitted to hold the kingdom of the pope, and that by yearly rent again; but when Pope Gregory X. in the third of Edward I. sent for that pretended rent, that noble prince justly [1] answered, that he was bound by his oath in his coronation to preserve the rights of the kingdom untouched, and that he could do nothing that concerned the crown without the advice of the people in parliament, which are there called [2] *proceres.*

In the 40th Edward III. the pope demanded the same rents, and the king proposed it in parliament, but they declared that neither King John nor any other king had any power to put himself or the realm and people into subjection to the pope without their consent in parliament; and that if it were done by King John, it was done contrary to his oath in his coronation; and if the pope attempted any thing thereupon against the king or his subjects, they would resist him to their utmost power.

The same King Edward III. had only negligently suffered the pope's power to be too much used in the kingdom, contrary to the statute of Carlisle, 35 Edward I. as

[1] See Roll. Clar. 3. Ed. Num. 9. Shed.

[2] See Coke's Inst. Fol. 13.—*Orig. Notes.*

appears by the parliament Roll 17 Edward III. number 59; and the commons in parliament complained, that the treasure of the realm was transported to Rome, and the secrets of the realm discovered by the foreign priests sent hither; and they required of the king some mercy, for that they neither could nor would any longer bear those strong oppressions, or else that he would help them to expel out of this realm the pope's power by force, and thereupon were enacted against many of the pope's powers in this realm, those severe penal laws of 25 Edward III. 27 Edward III. 1. 38 Edward III. Statute II. Chap. I. all which our king hath now declared shall never hereafter be put in execution.

That victorious prince, Edward III. though a papist, yet pretended to no regal prerogative of suspending the laws made by the kings and parliaments against the pope; he confesseth, in that statute of 35th Edward I. against the pope's power, that it held its force, being not annulled by parliament; and therefore he was bound, by his oath, to see the same kept as a law of the realm, though that by sufferance and negligence it had been attempted to the contrary.

If the effects of the Romish jurisdictions in the realm were looked upon as they are related in that 38th Edward III. 1. it would be manifest, that the king that would put the kingdom into such a state lays aside thereby his kingly office and dignity whilst he pursues these intentions; that statute saith, That by the powers exercised by the pope and court of Rome, and the dependants thereof, the good ancient laws, customs, and franchises of the realm, were greatly impeached, blemished, and confounded; the crown abated, the treasure and riches of the realm carried away, the inhabitants and subjects of the realm impoverished and troubled, and the great men and commons in bodies and goods damnified: surely there can be no doubt, whether the king hath any royal prerogative to enable him either to stop the execution of these penal laws, that prevent the kingdom from falling back into such a forlorn estate, or to attempt, by pretence of liberty of conscience for the Romish priests and emissaries, and their practices, to enable them to work all the mischief they can against those that would save the kingdom from such miseries.

Your highnesses may be absolutely certain, that the king acts not by virtue of the English regal office or prerogatives, in his authorizing treasons to be daily committed against the realm. By the statute of 13th Elizabeth, ii. they that give or receive any absolution or reconciliation to Rome by the pope's authority, or any of his priests, which the king licenseth and authorizeth to be done continually, those are declared high traitors to the king and the realm, and, no doubt, treason declared by a statute against the realm, are common nuisances of the highest nature and mischief; it is the trust of the regal office to prevent and punish them; and it is directly contrary to the kingly office to assume power to authorize or licence such crimes.

'Tis unquestionable, that no king of England ever had power to grant offices to persons disabled to bear them, by positive and direct acts of parliament, made for that very purpose, and declared to be for the people's security; nevertheless the king hath put most of the offices of the kingdom in the hands of those that are so disabled.

'Tis as certain, it never was in the power of our kings to dispossess at their wills any of the subjects of those interests and profits which they had for their lives; nor to commission any to judge his subjects finally in matters criminal or civil by their discretion, without any regard to the laws, customs, and privileges of the realm.

These and many other powers exerted by the king, which we might name to your highnesses, are not the actings of an English legal monarch, but an assumed despotical power over the persons, the liberties, and interests of the subjects; as if he alone had at least the property paramount in all their persons and their interests, which in all civil governments belongs only to the lawful legislators; and as if the people of Eng-

land were tenants *of his mere* will to what they have, and had no right nor interest in their laws, customs, or franchises, nor any justice to demand the benefit of them.

Nothing can complete his majesty's renunciation of the trusts and obligation of the English *regal* office, save only that he assumes, (as he now doth actually) to take from the cities and boroughs entirely, all their customs and privileges, and free election of their magistrates, confirmed to them expressly by the great charter, and many other laws; and that he deprives all the rest of the people of their liberty to choose such persons as they please, according to the statutes, to consent for them to the laws that bind them, their estates and lives, as he hath declared he will, and intends and is every day doing; and then the ancient, rightful, and free English government will be manifestly and entirely dissolved, and Englishmen shall have no legal right to their estates, their wives and children, or their lives.

There will be then no legal English monarchy in England, trusted by the laws with high royal prerogatives for the joint safety and benefit of the king and the subjects, acknowledging themselves to be bound by an oath to maintain the customs, laws, and franchises of the realm, and to take continual care for the execution of the laws impartially; for that purpose every man shall then have equal and eternal right to every thing as this king will, and his popish forces shall dispose of it, and so long only as he shall please to continue in the same mind with the same force.

'Tis with bleeding hearts, that in this manifest extreme oppression and danger we beg your highnesses aid to defend the rights of the crown and the realm.

There can be no question of your highnesses right to defend the same, the legal monarchy and government, by our ancient customs, laws, and franchises, to save the ancient penal laws against the pope's usurpations, and the latter laws for the reformation of our religion from popery; and to preserve the special customs and privileges of the cities and boroughs, as well as the general customs of the kingdom; our customs and laws only have vested in your highness the next right expectant of the English crown [and if no prince shall be born, *Rege etiam renitente,*] though the king shall do all that's possible for him to hinder you.

If you suffer them to be destroyed, or to be disused and deemed to be of no force, but as the king shall please, by his judges and courts, and by all that he shall possess of the power of the kingdom, your highness's claim and rights expectant of the crown is in like manner destroyed and set aside; and the whole arbitrary magistracy serving his will, and all his popish forces, foreigners and natives, will be engaged in interest and misguided conscience, to oppose your highness's claim; by the laws and customs of England, there will be indeed, in the state to which the king hath brought the kingdom, no legal magistrates nor government in being and use, unto which her royal highness can immediately succeed, according to the customs and laws of England; the kingdom must be a confused multitude, and the strongest may subdue the rest to their will.

As your highnesses have a right to save the government, by reason of your great interest in it, so all the people have an unquestionable right to seek your highness's aid therein; and 'tis one of their principal duties of the Christian religion, and will be one of the best outward expressions of their love to God and Jesus Christ, to assist your highnesses in all your righteous ways, defending their just civil government, being instituted by God for preserving justice amongst human societies.

The people that love their neighbours and countries as Christian religion commands, ought not carelessly, nor irreligiously, to suffer their civil government, their laws, and all their rights and interest that their country hold by them for themselves and posterities, to be destroyed by any man's will, superstition, or ambition.

He that was at first a legal and supreme magistrate, and ought to have been obeyed if he would have so continued, though he had done many injustices to particular persons, he may cast off the quality and use of the powers of a legal supreme magistrate,

and use and exercise power destructive to all the legal trusts and office; and then he divests himself of that office and trust of a lawful magistracy, unto which the laws of God and the kingdom require obedience.

The ancient kings of England acknowledged the people's right to save their free government, if any of the kings themselves would have dishonourably parted with the rights of the crown and the realm; we mention the letter of Henry I. to the pope: and that great prince, Edward I. on the like occasion of power claimed by the pope, not only writ to the pope to the same effect as Henry I. did, but by his consent letters were written to Pope Boniface, by the lords and commons in parliament, wherein they told the pope, that they were bound by oath to the observation and defence of their liberty, customs, and ancient laws, and would maintain them with all their power and force; and that they neither did, nor ever would, could, or ought to suffer the king, though he would, to do, or any ways attempt, what the pope desired, contrary to their customs, since it would be to the destruction of the right of the crown of England, and the kingly dignity, and the subversion of the statutes of the kingdom, and prejudice of their ancient liberties, customs, and laws.

Since, then, your highnesses have an undoubted right[1] to interpose between the king and us in your own and the kingdom's behalf, to save our ancient legal government, and in special our laws for the reformation of our Christian religion, we humbly offer, that, besides the former demands about the supposed prince, your highnesses will please to demand and insist immoveable,

That the ancient free government of England, by its own customs and laws only made, or approved in parliament, be immediately restored in all the parts of it through the kingdom; that is, that the rights of the crown and freedom of the realm be forthwith vindicated from all the submissions publicly made to the pope by the king that now is, to the dishonour and abasement of the English crown and realm, and from all the claims made by the Romish church of any powers and jurisdictions whatsoever over the Christians, or church in England.

That all the laws now in force against the admission of the canons, and jurisdiction of Rome, contrary to our customs and laws, and against the maintainers of them, be forthwith declared to be put in due execution; and all suspensions of them, or dispensations with them, without the authority of parliament, be declared null and void.

That the ancient customs, liberties, and privileges, for the city of London, and the whole form and course of its government, be forthwith restored, the customs thereof being part of the common law of England; and its liberties be established by the great charter, and many acts of parliament, that the customs, free election of their magistrates, and all the privileges of all the cities and boroughs of England, confirmed by the greater charter, and other laws, be duly restored.

That legal officers, both civil and military, be settled in all the places of magistracy, and all the commands throughout the kingdom.

That all commissions whatsoever be forthwith revoked, and declared null and void, whereby are granted any powers of discretion over the persons or interests of the subjects, contrary to the laws and customs of England; especially the commission for ecclesiastical affairs, with its monstrous *non obstante* to all our laws.

That the freedom of elections, which is the foundation of the government, be duly vindicated, and all the most unworthy pre-engagements revoked and renounced to elect and vote as the king would have them.

That the kingdom may be restored, as soon as possible, to a capacity of holding a legal parliament, in such form and manner as the laws require; by whose help the

[1] Rot. Parliament. 28 Ed. I. See Coke's Institut. 2 fol. 98.—*Orig. Note.*

civil government may be re-established, and force and arbitrary powers therein utterly abolished.

We crave your highnesses pardon, that we further humbly offer to your highnesses that time and accident always made changes in the usefulness of laws, and that it hath so happened in our penal laws made for uniformity in the profession of faith, and in the outward worship of God; four of our succeeding parliaments perceived the abuse of these laws, and the mischief thereby to conscious Christians, and declared their intention of relieving them, if the king would have permitted them, yet they endeavoured to stop the execution of them, and desired a settlement of liberty of conscience as is due to Christians.

In these regards, and the subversion of the whole government, since made necessity and charity, many have the force of laws to inforce the stay of the execution of some of those laws for conformity, until those matters may be settled in parliament.

We therefore humbly pray your highnesses to procure, as a case of necessity, that none be disturbed until a legal parliament shall have resolved the case for the profession of their faith in matters merely supernatural, or the outward expression of their worship, so as both terminate only in God, and neither wrong nor hurt any man on earth, in body, goods, and good name, but their own souls only, if they be mistaken therein.

We now most humbly submit ourselves, and all herein contained, to your highnesses wisdom, candour, and charity, and shall pray the just and great God to fill your noble souls with perfect love and wisdom, and all the most resplendent virtues that are fit to shine in the highest thrones and power that ever the sun beheld.

Sir, the character we have had of your worth makes us confident of your faithfulness to deliver the enclosed forthwith to his Highness the Prince of Orange, or, in his absence, to her Royal Highness the Princess. We could not trust it by the post, and therefore have sent it by an express, which may, perhaps, make it longer in coming; the messenger's only order is to deliver it to one of your servants; and we confide in your integrity, and remain,

Sir,

Your most humble servants,
And whom you may hereafter know.

Murder will out; or a clear and full Discovery that the Earl of Essex did not murder himself, but was murdered by others, both by undeniable Circumstances and positive Proofs. 1689.

Arthur Capel, first Earl of Essex, the firm friend of Lord Russell, was deeply engaged in the state intrigues which led to what was called the Rye-house Plot. In the beginning of July, 1683, he was committed to the Tower, and for some time seemed to bear his confinement with unconcern; but at length he was observed to shew great depression of spirits, to which indeed he was constitutionally liable. In this temper he asked repeatedly for a penknife to pare his nails, and at length called for a razor, which he observed would do as well. Shortly afterwards he was found by his valet de chambre in the closet of his apartment, with his throat cut from ear to ear, in such a manner as made it probable that he must have thrown his head very

far back in order to accomplish his fatal purpose, for the jugulars and gullet were severed above the aspera arteria. Notwithstanding this circumstance, strong suspicions of foul play were entertained, and the death of the Earl of Essex became a keen subject of political controversy.

There were two remarkable circumstances attending the time of the earl's death: *First*, it happened on the very day of Lord Russell's trial; secondly, upon that day also the king and Duke of York visited the Tower in person. From these concurrences, various deductions were made, according to the humour and political opinions of the writers upon this sad topic. Upon the whole, they seem rather to favour the hypothesis of suicide; for, while the danger of Lord Russell might be supposed to increase the gloom of a mind already agitated, the visit to the Tower seems irreconcileable to prudence on the part of the royal brothers, supposing the earl to have been murdered by their connivance.

After the Revolution, a committee of four peers were appointed to examine into this dark story; but, after receiving a great deal of evidence, they found themselves unable to make any report to the House, so that it may be fairly supposed that nothing was brought forward which made a serious impression on their own minds.

Burnet, who is uniformly as candid as his credulity will permit, seems, in the following passage, to incline to the opinion that Essex died by his own hand. "I passed slightly over the suspicions that were raised upon Lord Essex's death when I mentioned that matter. This winter the business was brought to a trial. A boy and girl did report that they heard great crying in his lodgings, and that they saw a bloody razor flung out at a window, which was taken up by a woman that came out of the house where he was lodged. These children reported this confidently that day when they went to their several homes: they were both about ten or twelve years old. The boy went backward and forward in his story, sometimes affirming it, and at other times denying it: but his father had an office in the custom-house, so it was thought he prevailed with him to deny it in open court. But the girl stood firmly to her story. The simplicity of the children, together with the ill opinion that was generally had of the court, inclined many to believe this. As soon as his lady heard of it, she ordered a strict enquiry to be made about it, and sent what she found to me, to whom she had trusted all the messages that had passed between her lord and her while he was in the Tower. When I perused all, I thought there was not a colour to found a prosecution on, which she would have done with all possible zeal, if she had found any appearances of truth in the matter. Lord Essex had got into an odd set of some strange principles; and, in particular, he thought a man was the master of his own life, and seemed to approve of what his wife's great grandfather, the Earl of Northumberland, did, who shot himself in the Tower after he was arraigned. He had also very black fits of the spleen. But at that time one Braddon, whom I had known for some years for an honest, but enthusiastical man, hearing of these stories, resolved to carry the matter as far as it would go. And he had picked up a great variety of little circumstances, all which laid together seemed to him so convincing, that he thought he was bound to prosecute the matter. I desired him to come no more near me since he was so positive. He talked of the matter so publicly, that he was taken up for spreading false news to alienate the hearts of the people from the king. He was tried upon it. Both the children owned that they had reported the matter as he had talked it, the boy saying then that it was a lie. Braddon had desired the boy to set it all under his hand, though with that he charged him to write nothing but the truth. This was called suborning, and he was fined for it 2000*l.*"—BURNET, *ad. ann.* 1684.

I. THAT he did not murder himself you have evinced,
1. From the improbabilities that he should do it.
2. From the impossibilities that he could so do it.

II. That he was murdered by others you have made good,
1. By undeniable circumstances.
2. By positive proofs offered.

I. That the Earl of Essex did not murder himself, as the inquest declares, appears,
(1.) From the improbabilities that he should so do.

1. Because of that excellent, sedate, and well-composed natural temper he was well known to be of, and free from such melancholy and frensical fits which might incline and expose him to such a mischief, whatever maliciously and falsely had been said to the contrary.

2. Because of that grace and fear of God he was so eminently endowed with, which would secure him from such impiety.

3. Because of that abhorrency by principle which he was well known to have of such unnatural practices (whereof he could not speak without great emotion of spirit) whatever, the better to colour the murder, and fix it upon him, had been most villainously reported, and spread abroad to the contrary.

4. Because of the careful provision he made for his own preservation after he came into the Tower, fearing the worst.

(1.) By sending for his own silver vessel to dress his meat in by his own people.

(2.) By that store of all sorts of wine he had ordered to be laid in for his own drinking.

(3.) By the direction he had given to his servant to take notes of my Lord Russell's trial, that very day, for his own use, all ample indications he designed self-preservation, not self-destruction.

5. Because as his conscience was clear from any treasonable guilt, (whatever to the contrary has been most wickedly suggested) so was he free from either legal witnesses or conviction, *there being no bill of indictment found against him*, as against others, *the day before, which might sufficiently secure him from needless fears, or any such desperate course*; though, had his zeal and affection to his king, country, and religion, (whom he might apprehend to have been in danger) transported him to any irregularity, his father's, as well as his own extraordinary merits from the crown, might well be supposed (from so grateful and compassionate a prince) would plead his pardon, and free him from such desperation.

6. Because of that entire love and friendship he bore to his most dear friend, the Lord Russell, which both in honour and conscience would forbid and deter from such an action, which must so necessarily tend to the certain ruin and destruction of his best friend, and which fell out accordingly, from the sinister construction they made thereof.

7. Because of the previous notice given thereof in divers places, which, to be sure, he would never have done, had he designed any such thing.

(2.) From the impossibilities that he could so do as the inquest declares.

1. Because it was impossible that he at one cut (as the verdict saith) could cut four inches in depth, and eight in length, because none can manage his hand to guide a razor so to do at once, viz. from the left side of the neck-bone to the right.

2. Because it is impossible that with that French razor, which was but four inches and a half long, and without a tongue, (necessitating to take two inches and an half at least in his hand) that he could, with two inches of such an instrument, cut four or five inches in depth, and eight or nine in length.

3. Because it is impossible in nature that when he had cut the left jugular and windpipe to the neck-bone, which let out so much of the blood and vitals, that he could have either life or strength to proceed to cut the other also, as all skilful surgeons and anatomists can demonstrate.

4. Because it was utterly impossible that after he had locked himself into the closet, he could so cut his throat as it was, and then open the closet-door and fling the bloody razor out of the chamber-window, at such a distance from the closet, and then get the razor up again, and keep it in his hand (as some) or fling it by him, (as others) and all this after he was dead, for he instantly died, saith the inquest, and none but himself in the room, say their witnesses, therefore it was impossible he could with that razor

so murder himself. And that the bloody razor was flung out of the chamber-window is made good by no less than ten witnesses.

Thus have you some grounds and reasons (from the improbability and impossibility of the thing) to clear his innocency from the horrid fact so impudently charged upon him, and consequently the guilt of others, and which may be sufficient to all wise men to detect the murder, and inforce a review, if no other evidence could be produced; tenfold less has done it in other cases, it being so difficult many times to get light, and trace such secret hidden works of darkness as Sir Fran. Bacon elegantly in Sir Tho. Overbury's case tells us, "That wise men must take upon them, in these secret cases, Solomon's spirit, that when there could be no witnesses, collected the act by the effection," viz. when he used the stratagem about dividing the child; but this you will find is not our case, Providence having given us a larger provision, as you will further hear.

II. That he was barbarously murdered by others, as appears,

1 By the undeniable circumstances arising,

1. From the previous reports.

2. From the corrupt and partial proceedings of the coroner and his inquest.

3. From the conspirators villainous ends. And,

4. From the wicked methods used to stifle it.

1. By the undeniable circumstances arising,

1. From the many previous reports which they had spread of his self-murder, (a method the papists have heretofore taken, but the policy thereof never yet understood, viz. when they stabbed Henry IV. of France, burnt London, assassinated Sir E. B. G. and murdered H. the warder) of which divers undeniable proofs have been, and are ready to be produced of such reports, not only in London, but 50, 60, 80, 90, and 100 miles off; in some places a day, in some two, in others (at a great distance) the very day he was murdered; and as most remarkable (as God would have it) all agreeing in the very manner thereof, viz. cutting his throat in the Tower. At Andover, 60 miles off, they had the report of his cutting his throat in the Tower the 11th of July, which was the first day of his imprisonment there, which sufficiently discovers what they designed beforehand; for if this report came from London, it must be before he was a prisoner, at least in the Tower, and two days before the thing was done.

(2.) From the irregular, corrupt, partial, and unjust proceedings of the coroner and his inquest.

1. That one Farnham, said to be a deputy coroner, which the law knows nothing of, and to be sure a legal coroner he was not, Sir T—— S———, the steward of the Tower, being the proper officer, and accountable for that great trust; but this is the tool who must be brought forth to do the job.

2. That none of the relations were summoned to attend the inquest, which, by known usage, ought to have been.

3. That, contrary to the known custom and usage not only of our own, but other nations, as well as the king's special and express command, the body was removed from the place and posture it was said first to be found in, stripped, and clothes taken away, the body and rooms washed from the blood, to prevent the notoriety of the fact upon view, and, as said, by the new coroner's contrivance or consent, (which makes it the more heinous and suspicious,) for had it remained in the place and posture it was said first to be found in, the print of the bloody foot upon the stockings, the cravat or neck-cloth being cut into four pieces in the middle, and the contrary witnesses, who speak both as to place and posture, would have clearly discovered the murder, the notched razor and cut hand being most pregnant circumstances, yet little regarded.

4. That the jury excepted against the removing of the body from the posture and place, and demanded a view of the clothes, which William Fisher did by name, yet was

denied the same by the coroner, after he had been in the next room with some of the conspirators, who had called him out upon that demand, and who, upon his return to the jury again, did declare to them (as ignorantly as wickedly) that they were to sit upon the body, and not the clothes.

5. The partial examination of witnesses; that though there were several in and about the house when the fact was done, yet only Bomeny[1] and Russell, who they might justly suspect to be privy to it, must be the principal witnesses they will examine in the case, taking little notice of Peck, Mundeny, Lloyd, Captain Hawley himself, or the two women.

6. The little regard had to the notorious contradictions in the witnesses they did or might examine; Bomeny telling them the razor was given him (wherewith he cut his throat) the 12th of July, and Russell the 13th; Bomeny, that Russell broke open the door; but Russell, that he easily opened it with the key on the outside; Bomeny, that he could only, through the chink of the door, see some blood, and some part of the razor; but Russell, that he could, through the same chink, see the whole body; Bomeny and Russell, that the whole body lay in the closet, and none of it to be seen in the chamber; but Peck and others, that part of it lay in the chamber; Bomeny and Russell, that they were absent but a quarter of an hour from my lord; but to others, Bomeny owns he was absent from him two or three hours, insomuch as he was cold and stiff before he saw him; some, that he was found lying; others, kneeling.

7 That they unduly suffered themselves to be hurried into a verdict by the message brought them by Capt. Hawley, in the king's name, to hasten the same; as though the death of so great a man, and in that place too, deserved not a serious and due search, especially when they saw such foul play offered them, by removing body and clothes, and denying a view of the clothes, and when none of the relations present, and so few of the witnesses examined, and those in so much contradiction too.

8. By the unheard-of drawing their verdict, which was done not by the coroner, nor by the jury among themselves, as it ought to have been, but by one of the conspirators themselves in the next room, who sent it to them by Bomeny, and which they signed accordingly.

9. By giving so wicked and false a verdict upon their oaths, which was this, viz. "That the Earl of Essex, being the 13th of July alone in his chamber, did, with a razor, voluntarily and feloniously cut his throat, giving unto himself one mortal wound, cut from one jugular to the other, and by the *aspara arteria*, and the wind-pipe, to the *vertebræ* of the neck, both the jugulars being thoroughly divided, of which said wound the earl instantly died."

This was the conspirators diabolical writing, which they imposed upon the jury, and they made their verdict both coroner and inquest by subscribing it.

It falsely saith, he was alone in the chamber; whereas by the flinging out the bloody razor, as well as by sufficient testimony, it will appear that several went up and came out at that time.

It also falsely saith he did give himself with that razor one mortal wound of such a length and such a depth, which are utter impossibilities, as before.

(3.) From the villainous ends the conspirators had to effect and carry on hereby, viz.

1. To confirm a protestant plot, a thing which they had long and often laboured, and as often been disappointed in, and which was so improved by the attorney-general, as 1000 witnesses to make it good; as also by the lord chief justice, as the finger of

[1] Paul Bomeny and Francis Russell, the former Lord Essex's valet de chambre, the latter a warder of the Tower, were the persons who first found the earl's body, and who were suspected of his murder.

God, to convince all the world thereof, the sad consequence whereof hath since been so severely felt.

2. Utterly to stifle the popish plot, witness the bailing the popish lords, impeached and committed by parliament, out of the Tower, and the publick prints to ridicule the same ever since.

3. To destroy the Lord R———, and therefore done at the very instant he was to come to his trial, and so improved by the lawyers to the jury, which some of them have owned did more prevail with them to bring him in guilty than any other proof produced against him.

4. That they might remove out of the way so great a champion of the protestant cause and interest, who, by his great employments and trusts in this and the other nations, had gained so perfect knowledge of their popish, horrid intrigues, the way they have taken of old, both in this and other nations; and whereof divers instances might be given, besides that of Sir E. B. Godfrey, whose wounds bleed afresh at the mentioning hereof.

5. That hereby they might carry on a hellish design against the king himself, as though he had been privy thereto, by not only butchering him in that his royal prison and palace, (where by the law he becomes pledge for the safety and forthcoming of the prisoner,) and at a time when he was there in person, where he had not been for divers years before, and as though he came purposely to order the doing thereof, and to entitle the government to it, which the lord chief justice doth so often inculcate: If he was indeed then murdered by others from the king's presence there, [in Bradon's Trial,] as also by that their horrid presumption, in sending in the king's name to hasten and hurry the jury in that corrupt verdict, and so daringly and contemptuously to remove the body, contrary to the king's express command, by a person of quality.

(4.) From the methods which have been used to stifle the discovery hereof, and to deter men from inquiring into the matter.

1. By the lawyers and judges, who have declared, that whoever went about to prove the Earl of Essex murdered, did no other than libel the government and bring the guilt of his blood upon it.

2. By the strict command given by the officers of the guards in the Tower, the day after the murder, to all the soldiers, not to speak one word thereof at their perils.

3. By the severe prosecutions and persecutions of those who have appeared herein, both as to their estates, persons, lives, and liberties.

Witness the turning out of old Edwards from his place in the Custom-house, wherein he had been twenty-nine years, for only bidding his son, upon his blessing, speak the truth in the case; and the many severities to Mr Bradon, for declaring what others had said about it; and the severe dealing with Mr Hugh Speak for the same; as also that late cruel usage of that poor soldier in the Tower, because he would not affirm the Earl of Essex murdered himself, who was first whipped with cords till the skin was fleaed off, after that scourged with rods, and then put upon the wooden horse, with six muskets at his heels, his sword broken, and cashiered. But especially the destruction of Robert Meak, the centinel, for telling what he heard and saw that day of the bloody tragedy, whose neck was therefore broke, and flung into the Tower-ditch; who declared before-hand to his friends how his life was threatened for the same. As also Hawley the warder, who was served in like manner for blabbing; whose murdered body was, about a month after it was missing, taken up near Rochester, where a great popish lord declared, several days before he was found, that he had there drowned himself.

4. By the endeavours which have been used to prevent the review, which, by two

letters to two noblemen, and the letters to the Lady Essex, sent openly by a messenger to Cadman the bookseller, which he brought to Justice Henton, and he to the secretary, all of them purporting a discovery upon indemnity and a review, but all in vain.

(4.) By positive proofs, attesting the murder; that if indemnity may be granted, as was offered in Sir E. B. G——'s case, and a fresh legal enquiry, as in Sir Tho. O——'s case and others, there will then be produced positive evidence, which will declare who were the contrivers and authors, who the actors and abettors of this barbarous and detestable murder; describe the instrument with which it was done, and which was made on purpose for the same; the rewards and preferments to the respective actors therein, with all the material circumstances about it. Which enquiry was successfully made in Sir Tho. O———'s case, after the coroner's inquest had found it (as said) a natural death; and by which, after more than two years stifled by a high hand, the then principal minister of state and his associates, with the lieutenant of the Tower and others, were searched into, found guilty, and many of them executed for that horrid murder, committed upon that innocent gentleman in the Tower.

The Conclusion.

Now may not this dismal tragical account (which carries so much demonstration in it) be well left without a comment, or any rhetorical strain of wit, or flourish of eloquence, either to convince or satisfy the reader of the truth hereof, to provoke him to the discharge of that duty incumbent upon him in his place or station, (which so barbarous and unheard-of a murder calls for at his hand,) the better to deliver himself and the nation from the crying sin of blood-guiltiness; and which is therefore left to the consideration and conscience of all that hear thereof in general, and to all the ministers of justice, and his fellow-peers in special, whose oaths, honours, and interests may oblige them to their duties herein; and who, in reason, ought to feel the bleeding smart of this bloody stab, not knowing which of their own turns may be next: And to his relations and kindred in particular, who are more than others called forth, in a peculiar manner, to make a further and better inquisition after his blood than hath yet been made, especially after this full discovery is offered to them, as they would vindicate his innocency, wipe off the stain of felony, murder, and treason from the noble family, deliver themselves from the reproach of being bribed by the forfeited estate to hold their tongues, and suffer others to be so severely handled, as officious for appearing therein, under their silence; and as they would free themselves from the guilt of his blood, and answer the neglect to God and man. Lastly, to all those (of which there are many) who, either as accessaries or actors, have embrued their hands in this innocent blood; whether, since they are secretly known, it will not be their wisest and best course (as some did in Sir Tho. Overbury's case) to come forth and confess, and give glory to God, as they may hope for mercy here or hereafter, and not to think to shelter themselves under gold and greatness, which will be a covering (in this case) too short for the greatest themselves; because God, who is the avenger of blood, and to whom vengeance belongs, will bring all to the house-top, and recompence them according to their deeds, there being "no darkness, nor shadow of death, where the workers of iniquity may hide themselves."

Innocency and Truth vindicated. An Account of what hath been, or is ready to be deposed, to prove the most treacherous and cruel Murder of the Right Honourable Arthur, late Earl of Essex. With Reflections upon the Evidence, and the most material Objections against this Murder discussed and answered. In a Conference between three Gentlemen concerning the present Inquiry into the Death of that Noble Lord and true Patriot.

" Whoso sheddeth man's blood, by man shall his blood be shed."—*Gen.* ix. 6.
" For blood it defileth the land, and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it."—*Numb.* xxxv. 33.

Magna est veritas et prævalebit.

Printed in the Year 1689.

Lawrence Braddon of the Inner Temple took a very active share in tracing out the various reports concerning the death of the Earl of Essex, until his zeal drew on him the indignation of the court. He was tried for a misdemeanour, as having attempted to throw upon the King and Duke of York the guilt of Essex's murder. He was tried before Jefferies, and sentenced to pay a fine of 2000*l.* which being beyond his means, he appears to have remained in prison till the Revolution. See Introduction to the former Tract, p. 68.

To the Right Honourable the Lords of the (late) Committee, appointed to examine into the Death of that Noble Lord and true Patriot, Arthur, late Earl of Essex.

My Lords,

Could I have managed the evidence in proof, of the murder of this honourable lord with that strength and efficacy they are capable of, nothing would more plainly have appeared to the impartial reader, than this (to me) great truth, viz. That the Right Honourable Arthur, late Earl of Essex, was most treacherously and barbarously murdered. But such as it is, I do, with all humility, cast it at your lordships feet, to whose great judgments I shall, with entire resignation, submit.

My lords, having long known, and been lately much conversant with Mr Braddon,[1] I have had often opportunities of discoursing almost every witness in this case examined; and such as I myself have not spoke with, I have from him been informed what such have declared: And though the account I have here given of what these have related, which have been examined before your lordships, be more large and particular than their depositions, (because I have had repeated opportunities of hearing their re-

[1] This account of the evidence respecting the death of Essex, although written in the same spirit of party as the last, contains some curious particulars. It is decorated with a frontispiece representing the manner of the supposed murder, the position of the earl's body in the closet, and the razor with which the deed was committed.

lations) yet, if themselves say true, nothing in these papers is contradictory to or inconsistent with what they have deposed before your lordships.

My lords, in the account at large I have first stated the case, as to the pretended self-murder, as it was and is endeavoured to be proved by those immediately attending on my lord; and then I have divided the proofs for this murder into three general heads, as they have relation to time: Whether,

First, Before the day of my lord's death.

Secondly, The day of his death.

Thirdly, Subsequent to the day of his death.

And after every proof, I have raised all such objections I could in conversation ever meet with, or myself could object, which carried the least colour of argument against such evidence; and the solutions, with all humility, are submitted to your lordships censures.

In the abstract, I have observed this order: First, I have stated the case, as represented and sworn by those that would prove the self-murder; and then detected the falsity of every part of those relations. After which I have briefly considered the other proofs in the same order of time as the discourse at large.

My lords, several things here mentioned have not as yet been before your lordships, some of these relations having not been known to Mr Braddon before your lordships committee was dissolved: But these after-testimonies, and some other things not here taken notice of, will be brought before your lordships, as soon as your lordships shall think fit to move that those depositions and examinations, now sealed up, may be taken out of the house by your lordships, and to those added such other testimonies as have been taken before several justices, (since the report made) or are ready to be taken; and then, that, as well such as are now sealed up, as those others which have been, or shall be deposed, may be reported by your lordships, in such method as to your lordships great wisdom shall seem most meet. After which I doubt not but all your lordships, and the whole world, will be convinced of that truth which the interest of so many have industriously endeavoured to stifle: But there is no power of earth and hell, when conjoined, can make that thing never to have been which was. And therefore, if my lord was treacherously and barbarously murdered, no interest or strength whatever can make him a self-murderer. Truth may be destroyed in its credit, but never in its being; and the measures that have been taken to discredit the proof of this murder, have been sufficiently detected as false, which hath not a little increased the credibility of that which those counter-evidences would have rendered incredible and false.[1]

[1] In passing sentence on Braddon, (who appears to have been all along guided by an honest, though certainly an imprudent zeal,) Jefferies gave the following specimen of his eloquence:—

"I find here is judgment against you, and 'tis a very foul offence, as notorious an offence as any person under that which is capital could be guilty of; base aspersions of the government in order to promote sedition and faction; and for that end made use of all villainous means to corrupt infants, and then justify that villainy with a brazen face, to that degree of impudence as I never before saw; that all the justice of the nation must be affronted by such audacious fellows, for it seems his confidence has not left him; but here he smiles and seems as if he had done no harm.

"*Mr Braddon.* My lord, I know my own innocency, and therefore have no reason to be troubled.

"*L. C. J.* Your innocence! Your impudence you mean. I tell you, had you been in any other country but this, the innocence you talk of would have sent you to the galhes.

"*Mr Just. Withins.* Then you think, Mr Braddon, you have done very well in what you have done?

"*L. C. J.* Ay, I assure you, does he. And the zeal of his party has gone so far, that at Winchester, when I was there in the circuit, I was told that his doctrine had obtained so much in that country, especially from that place whence some of his witnesses came, I mean Andover, that there was a woman that was here the other day, Mrs Drake, being at conventicle, held forth that my Earl of Essex was murdered while the king was in the Tower, and that God was the avenger of murder, and had found out a proper person for the prosecution of it, and that was Mr Braddon; and this snivelling cant prevailed at the conventicle. It is no such smirking matter as you make it, Mr Braddon, I assure you.

My lords, no two truths in nature are inconsistent; for then a thing would be and not be, at the same time; wherefore when men would subvert the belief of a truth, they do raise some falsehood which stands in opposition to such truth; but if once this falsehood appears in its true colour, then doth it give stronger credit to that truth which before it was designed to prejudice.

My lords, every man's defence virtually concludes, If my defence be false, my charge is true. This conclusion the law makes in all civil actions, and it's according to the reason of the thing: For all men presume that every man accused will make use of the best arguments (especially in matters of fact) he can for his defence; and if those appear false, he falls under a self-condemnation. My lords, though this discourse is printed, it's not published, nor above 200 printed, as is ready to be proved; neither will one of these be communicated to any, if your lordships shall so order it; for all are kept till Mr Braddon receives your lordships commands as to their disposal. My lords, I could wish I had not been so large in this discourse, seeing your lordships whole time is so engrossed by the public, that I fear the state can scarce allow your lordships any hours of perusal. My lords, though I can't but humbly beseech your lordships pardon for this presumption, yet I could not, without being guilty of the greatest injustice, any otherwise dedicate this discourse, seeing what hath been already discovered is chiefly owing to your lordships unwearied diligence in those many committees, in which your lordships have so often sat in search of a truth, which the impenitency of some, and the industrious interest of others, have strongly opposed. But maugre all opponents, the matter is (as I do humbly conceive) so far detected as circumstantial evidence is (almost) capable of; and those that will not be convinced of the truth of a murder, unless positively attested, demand such proof for their conviction as no law requires. Now that the God of wisdom, righteousness and truth, may direct and prosper your lordships in this, and all other undertakings, is the humble prayer of,

My Lords,
Your Lordship's most humble
and obedient Servant,
P. V.

A Lincolns-Inn Gent. SIR, I rejoice I have thus fortunately met you here; for ever since I came to town I have longed to see you, because I have been desired by many of our countrymen to give them what information I can how the case of the late Earl of Essex now stands; whether there have been any informations or examinations herein, taken before the honourable House of Lords, (for we have heard their lordships, upon their first sitting, took the matter into examination) and what you have heard to be the substance of those depositions and examinations, whether sufficient to prove that unfortunate lord treacherously murdered, as he was generally believed to be.

A Templer. Sir, you could never have met me more opportunely for your satisfaction

" But oh! What a happiness it was for this sort of people that they had got Mr Braddon, an honest man and a man of courage, says Mr Speke, a man *à propos;* and pray, says he to his friend, give him the best advice you can, for he is a man very fit for the purpose; and pray secure him under a sham name, for I'll undertake there are such designs upon pious Mr Braddon, such contrivances to do him a mischief, that had he not had his protestant flail about him, somebody or other would have knocked him on the head; and he is such a wonderful man that all the king's courts of justice must needs conspire to do Mr Braddon a mischief; a pretty sort of a man upon my word, and he must be used accordingly: men that arrogate and assume to themselves a liberty to do such kind of things must expect to fare accordingly."—*State Trials,* III. 897.

in this, seeing I have now about me the substance of all those depositions and examinations that have been taken before the secret committee of lords appointed by the house for this purpose, and sometime since reported to the house; and likewise copies of many informations herein taken before some justices of the peace; besides all which, I have copies of such depositions as have been sworn to destroy the credit of what hath been materially deposed to prove that unfortunate lord villainously murdered; and further, I have several informations taken to strengthen my lord's evidence, in answer to those depositions on the behalf of the prisoner. Of all which I have had an opportunity to take copies, by being daily conversant with that gentleman, whose misfortunes have made him of all men the best acquainted with this case. Sir, there is hardly a witness herein sworn but what I have discoursed; neither do I believe there is any objection can be raised against the proof of my lord's being murdered, but what I can sufficiently answer. All which your authority shall command from me, who rejoice in this occasion of serving you. But I question whether it may not be thought a divulging of what a secret committee hath had under examination, and ought still to be kept private.

L. You can't but know that this secret committee is dissolved, by the reports being made to the house, where the depositions having been read, it can no longer be thought a secret: And it being for the interest of the kingdom it should be published, (if there be any evidence to prove this murder) I can't imagine how your communicating this matter can in the least prejudice this cause, the just success whereof no man living can desire with greater impatience than myself, who shall, (it's probable) by your now assistance, be able to stop the mouths of those gainsayers, which, not so much out of malice as misinformation, seem totally to disbelieve this matter; of which number Mr O. of Grays-Inn, (our friend and old acquaintance) is one; he did appoint to be here precisely at this time. He is now come.

A Grays-Inn Gent. Gentlemen, your most humble servant.

T. Sir, we are both cordially yours, and rejoice you are thus opportunely come.

G. I hope my company doth not hinder private business; if so, I will leave you till such your discourse is ended, and then shall esteem myself happy in the enjoyment of both your good companies.

T. Sir, the business we are upon you are free to hear, and I do very much rejoice in this opportunity of making you a convert.

G. In what, pray, sir? for if I am in any error, I hope I am not thereto so wedded, but, upon good cause shewn, shall readily sue a divorce, and thank you heartily for my conviction.

L. This gentleman is about giving such reasons as will convince (not me, for I do already believe it, but) you, that the late Earl of Essex was treacherously and villainously murdered.

G. Pish! there is not the least ground for such a belief, neither hath there been any colour of evidence for it produced to the lords. Moreover, all my lord's relations are so firmly possessed with the belief, that the late Earl of Essex did indeed cut his own throat, that neither of them hath thought fit in the least to move in this matter, but all of them wish that this cause had never been revived, because it renews the remembrance of that sad and deplorable accident which hath been so great a misfortune to that honourable family.

T. Sir, I perceive you have been abused in every part of your information, for your author scarce told you one word of truth. As for the families not appearing in (but being very averse to) this prosecution, I do assure you, sir, this is far from being true; for no gentleman could shew more honour, and greater zeal in a cause, than the Right Honourable Sir Henry Capel, (the late earl's only brother) hath done in this, and caused some to be taken up for endeavouring to abuse the world with the belief, that he

had not engaged in this matter.[1] The now Earl of Essex was not returned from his travels when this prosecution was renewed; but as soon as he came, his lordship approved of what was done, and hath been at the charge of this prosecution, in which you may believe there hath been no small expence; there having been in this cause such a number of witnesses examined, and so many several committees. And whereas you say there was not the least colour of evidence produced to the lords: Did you ever hear what persons were sworn before their lordships, and after examined by this honourable committee?

G. Not in every particular, but in part I have, and in general have been informed, that the witnesses produced by that gentleman, who pretended to prove it, were looked upon as altogether insufficient for that end; and therefore the House of Lords, upon reading the informations in this case taken by the committee, immediately rejected them as frivolous, thereupon ordering, that all such as had been taken up, as suspected concerned in this pretended murder, should be discharged.

T. I perceive in this also you have been misinformed as to both particulars; for the House of Lords, upon reading what was taken by the honourable lords of this committee, neither rejected the evidence as insufficient, nor ordered the discharge of such as in this case were taken up, but the depositions being read before the house, when three of the four honourable lords of this committee were out of town, viz. the Earl of Devon, the Earl of Monmouth, and Lord Delamere, (the Earl of Bedford being the first in this committee) the house ordered all those depositions and examinations to be sealed up, and kept by the clerk of the parliament, till these three lords returned, and in the mean time the farther debate hereupon to be suspended: To prove all which, pray, sir, read this order made *Die Jovis* 23° *Maii*, 1689.

Die Jovii 23°. *Maii.* 1689.

"After reading several papers and depositions relating to the death of the late Earl of Essex, it is ordered by the lords spiritual and temporal in parliament assembled, that the consideration of this business shall be suspended until the return of the Lord Steward, the Earl of Monmouth, and the Lord Delamere, who were of the committee before whom they were made, and who are now in the country in his majesty's service. And it's further ordered, that the said depositions and papers shall be sealed up, and kept by the clerk of the parliament in the mean time."

G. Then I find my information in this particular false.

T. As to the second, that the lords have not ordered the discharge of such as were in this case apprehended, but contrariwise, that all these should be bound over by the court of King's Bench, to appear the first day of the next term, appears by an order of the House of Lords made the 15°. June, 1689, which you may read if you please.

Die Sabati 15°. *Junii*, 1689.

"Ordered by the lords spiritual and temporal, in parliament assembled, that such persons as are now under bail by recognizance, concerning the death of the late Earl of Essex, shall be, by the court of King's Bench, bound over to appear the first day of Michaelmas term next."

[1] Notwithstanding what is here asserted, it is proved, by the evidence produced on Braddon's trial, that Sir Henry Capel discountenanced all enquiry into his brother's death. See his evidence in Braddon's trial for a misdemeanour.

G. I thank you, *sir, for* your information herein, and it's very probable those who gave me such *false information* as to the lords proceedings in this matter, may have likewise *forged what* arguments they thought might sway with me to believe my lord's *elf-murder;* what those are I shall give you an account. But I first desire to hear what *evidence* in particular hath been produced to prove my lord's being murdered by others.

T. Before I give you an account of the informations that have been in this case taken, I think it proper first to inform you how the case came before their lordships, and what by them therein hath been done, and how the case now stands before the house.

G. Pray, sir, use your own method.

T. The 21st of January last, (being the day before the convention sat) several persons were taken up, as suspected to be privy to my lord's murder; amongst whom was Major Hawley, (Major of the Tower) in whose house my lord was murdered, and Thomas Russell, one of the two warders that stood upon my lord at the time of his death; these two belonging to the Tower, and consequently under the command of the Right Honourable the Lord Lucas, governor of the Tower, were not taken up by any constable; but his lordship having seen the warrant out against them, ordered both to be secured. The next day, being the 22d, several informations were taken before John Robins, Esquire, one of the Middlesex Justices, who carried copies of these informations to my Lord Lucas. *His lordship, the 24th, moved the House of Lords for their lordships order, as to the keeping, discharging, or removing* Hawley and Russell, as *before secured by his* lordship's command; and then produced to the house those informations brought his lordship, as before by Mr Robins; upon reading which, after some debate, the House of Lords ordered Mr Braddon to be called in before their lordships, and after his examination, their lordships constituted a committee of lords, of which the Right Honourable the Earl of Devonshire, (now lord steward of his majesty's household) was chairman. After this committee had several times met, there was a secret committee ordered to examine into the matter; which committee consisted of these four honourable lords, viz. the Earl of Bedford, the Earl of Devon, the Earl of Monmouth, (then Lord Mordant) and the Lord Delamere; after this committee had many times sat, and taken about forty depositions and examinations, the Earl of Monmouth and the Lord Delamere were sent by his majesty into the country, as *two of the* lords commissioners to regulate the army. After these two lords were thus out of town, the Earl of Devon (being chairman of the committee) brought these depositions and examinations into the house; but it being then late in the day, none were read, but an order made that they should be read the next morning; but his majesty's affairs commanded likewise the Earl of Devon the next morning to go into the country, so that when these informations were read in the house, not one of the four lords of this committee were there besides the Earl of Bedford: Wherefore the house ordered the debate of the matter to be suspended, as you have before heard. And thus the case came at first before their lordships, and so it now stands.

G. Sir, I thank you for undeceiving me, and desire you to proceed in such a method as you think may give us the most regular notion of the matter.

T. Before I give you any information to prove my lord by others barbarously murdered, I think it proper to state the case as it was represented by those who would have the world believe my lord a self-murderer; for without this you cannot understand what use can be made of many informations that have been in this case taken, because you will not be able to see wherein they contradict what was sworn before the coroner, to prove my lord's self-destruction, and whatsoever proves their representation of the matter to the coroner false, by a very natural consequence proves my lord's being murdered by others.

L. Without doubt. For what end, (I pray) should any swear to a lie but to conceal a truth, there being no other reason to be given for it?

T. I shall begin with my lord's commitment to the Tower. The Right Honourable Arthur, late Earl of Essex, was committed to the Tower the tenth of July, 1683, and the first night lay at Captain Cheeke's, the then lieutenant of the Tower, but the next day was removed to Major Hawley's, (then gentleman porter of the Tower) and the two warders placed upon his lordship were Nathaniel Munday and Thomas Russel, one to stand at my lord's chamber door, or in his chamber, and the other at the stairs-foot, and thus by turns. Paul Bomeny, my lord's servant, was permitted to be with his lordship. At Mr Hawley's my lord lay Wednesday night and Thursday night, but Friday morning, about nine of the clock, his lordship was found with his throat cut through both jugulars and arteries, even to the neckbone, on both sides the neck. The next day——

L. Sir, pardon this interruption: I find that my lord first lay at Captain Cheeke's one night, and then was removed to Hawley's, where after two nights his lordship was found dead; how came it to pass that my lord had not continued to lie at Captain Cheeke's, it being very usual for prisoners of his lordship's quality to lie at the lieutenant's house, as now my Lord Salisbury doth at the Lord Lucas's?

T. The true cause of this removal I cannot give you, but the colour I can; it is pretended that Captain Cheeke would not be troubled with any prisoners in his own house; for which reason (as pretended) *his lordship was removed; but this* I believe not to be the cause, but, (as I said) the colour only; as for the *true reason hereof*, I refer you to the *men of secrecy* in this case. But to proceed: the next day being Saturday, the jury sate, and before them were sworn the aforesaid Paul Bomeny, Thomas Russel, and the two chirurgeons.

Which informations are as followeth according to the print; but that (as I shall observe in its own proper place) varies from the original in Bomeny's information.

The Information of Paul Bomeny, Servant to the late Earl of Essex for about Three or Four Years now last past, taken upon Oath, the 14th Day of July, Anno Regni Caroli Secondi Dei gratia Angliæ, Scotiæ, Franciæ, et Hiberniæ Regis, Fidei Defensor, &c. Tricesimo Quinto, Annoque Domini, 1683.

Saith, that when my lord came to Captain Hawley's, which was the 11th instant, my Lord of Essex asked him for a penknife to pare his nails, as he was wont to do, to which this informant answered, being come in haste, he had not brought it, but he would send for one, and accordingly sent the footman with a note for several things for my lord, amongst which the penknife was inserted; and the footman went and gave the bill to my lord's steward, who sent the provisions, but not the penknife, and he told the footman he would get one the next day. When the footman was come, my lord asked if the penknife was come; this informant answered no, but he should have it the next day; and accordingly he on the 12th instant in the morning, before my Lord of Essex was up, this informant sent the footman home with a note to the steward, in which, amongst other things, he asked for a penknife for my lord; and when the footman was gone, about, or a little after eight of the clock, my lord sent one Mr Russel, his warder, to this informant, who came, and then he asked him if the penknife was come; this informant said, No, my lord, but I shall have it by and by. To which my lord said, that he should bring him one of his razors, it would do as well; and then this informant went and fetched one, and gave it my lord, who then went to pare his nails; and then the informant went out of the room into the passage by the door, on ☞ Friday the 13th instant, and began to talk with the warder; and a little while after

he went down stairs. *And* soon after came the footman with the provisions, and brought also a penknife, *which* this informant put upon his bed, and thought my lord had no more need of *it*, because he thought he had pared his nails. And then this informant came up to my lord's chamber, about eight or nine in the forenoon, **on Friday the 13th instant**, with a little note from the steward; but not finding his lord in the chamber, went to the close-stool closet door, and found it shut, and thinking his lord was busy there, went down and staid a little, and came up again, thinking his lord had been come out of the closet, and finding him not in the chamber, he knocked at the door with his finger thrice, and said, My lord; but nobody answering, he took up the hanging, and looking through the chink, he saw blood and parts of the razor, whereupon he called the warder, Russel, and went down to call for help, and the said Russel pushed the door open, and there they saw my Lord of Essex all along the floor, without a perriwig, and all full of blood, and the razor by him. And this deponent further deposeth, that the razor now shewed to him at the time of his examination is the same razor which he did bring to my lord, and which did lie on the ground in the closet by my lord.

The Information of Thomas Russel, one of the Warders of the Tower, who had the Custody of the Earl of Essex, taken the Fourteenth Day of July, Anno Regni Caroli Secundi Dei gratia *Angliæ, Scotiæ, Franciæ et Hiberniæ Regis,* Fidei Defensoris, &c. *Tricesimo Quinto. Annoque Domini, 1683.*

Saith, That on Friday the 13th instant, about eight or nine of the clock in the forenoon, he was present when he did hear the Lord of Essex call to his man, Mr Bomeny, for a penknife to pare his nails, and then for a razor, which Mr Bomeny brought him; and then my lord walked up and down the room scraping his nails with the razor, and shut the outward door. Mr Bomeny, *half a quarter of an hour afterwards,* not finding my lord in his bed-chamber, went down stairs again, believing that my lord was then private in his closet. Bomeny came up about *a quarter of an hour* afterwards, and knocked at the door, then called, My lord, my lord! but he not answering, peeped through a chink of the door, and did see the Earl of Essex lying on the ground in the closet, whereupon he did cry out, that my lord was fallen down sick, and then the informant went to the closet door, and opened it, the key being on the outside, and then did see my lord lie on the ground in his blood, and his throat cut. Note

The Information of Robert Sherwood, of Fenchurch-Street, Chirurgeon, taken the 14th Day of July, Anno Regni Caroli Secundi Dei gratia Angliæ, Scotiæ, Franciæ et Hiberniæ Regis, Fidei Defensor, &c. Tricesimo Quinto, Annoque Domini, 1683.

Saith, That he hath viewed the throat of the Earl of Essex, and does find that there is a large wound, and that the *aspera arteria,* or wind-pipe, and the gullet, with the jugular arteries, are all divided, of which wound he certainly died.

The Information of Robert Andrews, of Crutchet-Friars, Chirurgeon, taken upon Oath the 14th Day of July, Anno Regni Caroli Secundi nunc Regis Angliæ, &c. Tricesimo Quinto, Annoque Domini, 1683.

Saith, That he hath viewed the throat of the Lord of Essex, and does find that it was

cut from the one jugular to the other, and through the wind-pipe and gullet into the vertebres of the neck, both jugular veins being also quite divided.

Upon these informations the coroner's jury found my lord *felo de se.*

The substance of these informations in short is, that my Lord of Essex called for a penknife to pare his nails, but the penknife not being ready, his lordship required a razor, which was delivered him, with which razor his lordship retired into his closet, and locked himself in; but soon after the closet door being opened, my lord was found with his throat cut through both jugulars and arteries to the neck-bone, and the razor (as before delivered) lying by him.

Nathaniel Munday (the other warder on my lord at the time of his death) now declares, that as soon as my Lord of Essex's chamber-door was opened by the gentleman jailor, about seven of the clock, (that morning my lord died,) he stood warder upon my lord till about a quarter of an hour before my lord was found dead, and then he called up Russel, and left him at the door, and then went down stairs, where he had not been a quarter of an hour before Bomeny cried out, My lord is fallen down sick; whereupon he ran up stairs, and found Bomeny and Russel endeavouring to open the closet-door, but neither could stir it, because my lord's body lay so very close and strong against the door; wherefore he being stronger than either Bomeny or Russel, put his shoulder against the door, and thrusting with all his might, broke it open.

Major Hawley (at whose house my lord was murdered) saith, that about *five* of the clock that morning my lord died, he went out to open the Tower-gates, (according to the duty of his place,) and came not home, nor nigh his own house, till about *nine* of the clock, when Munday, the warder, came to him, and told him my Lord of Essex had cut his throat; whereupon Hawley, going home, found it true, and immediately thereupon went to his majesty Charles the Second, (then in the Tower,) and did inform his majesty of the same.

Note

Bomeny, Russel, and Munday, (and likewise Lloyd, the sentinel at my lord's lodgings that morning my lord died,) did *ever deny* (till January last) that any men were let into my lord's lodgings before his death any time that morning my lord died. The two first upon their oaths denied it before the coroner and Bomeny. Russel and Lloyd did at Mr Braddon's trial, *pag. 55, 56, 57,* upon their oaths declare, that no men were let into my lord's lodgings (that morning my lord died) before my lord's death was known. Munday and Russel still persist in their denial of any mens being let into my lord before his death that morning my lord died.

Note

This is the state of the case, as it was represented by those that were immediately attending upon my lord at the time of his death. I shall not, in this place, make any observations upon the several contradictions and incoherences of these relations, nor yet say what is proved to falsify all that hath (as before) by these been declared and sworn, but shall leave this to a more proper place, and shall, in my method, begin with such things as were first in order of time.

The informations and examinations in this case taken are nigh sixty; I shall range them in this order: I shall place those

First, that have relation to what passed before the day of the death of the late Earl of Essex. Secondly, those that relate to what passed the day of his death. And, in the third and last place, such as have relation to what was subsequent to the day of his death; upon hearing all which I doubt not but fully to convince every unprejudiced person.

L. Such I am I do assure you; for it's neither my interest nor my desire that this

murder (if such indeed it were) should not be detected; but I do heartily wish all such, of whatsoever quality, sex, or condition, as stood concerned in contriving, privy to, or acting in this murder, may be brought to condign punishment.

G. If this be proved to be a murder, I shall always think it the most villainous that was ever acted on our stage; and as soon as I shall be thoroughly convinced hereof, shall as heartily desire (with you) that all actors and abetters herein may receive according to their demerit. *And indeed I shall hardly think any punishment too severe for such an act, or any thing* too ill *to be thought of any who were in the least concerned in this treacherous complicated murder, (in person and reputation,) if it be proved to be any.* But pardon me if I think it not true, but invented by heretofore disloyal and disaffected men, to raise an aversion against the most unfortunate among princes, who was treacherously (I had almost said treasonably) deserted by his soldiers, as well as others, in the midst of the greatest dangers. We have had much noise of this (pretended) murder, and (as some falsely call it) of the murder of Charles the Second, of the supposititiousness of the birth of the Prince of Wales, and of the private French league; but all this hitherto hath been but talk, and I now think (as I ever did) there is not any good grounds for the belief of either; for if there had, we should long since (for the vindication of what is past, which I shall forbear to call by its proper name) have had it made more publick.

T. Bona verba, quæso, not this great heat.

G. But passion is very natural to every honest man that had any sparks of true loyalty upon such reflections as these.

T. Passion serves not, but prejudices an argument, and, generally speaking, where there is the most passion there is least reason.

G. I will endeavour for the future to be more calm.

L. I shall tell you, at our next meeting, what I have heard concerning the death of Charles the Second, and the birth of the pretended Prince of Wales, and it's probable may inform you in both of what you may have never heard, nor as yet made publick by any; but I desire not any longer to detain this gentleman from proceeding in his intended method.

G. I beg both your pardons for this heat and interruption, and I do impatiently wait to hear what can be said.

T. I shall proceed; and,

First, as for such informations as have relation to what passed before my lord's death; these are of two sorts; the first proves a resolution (by papists) several days before my lord's death, to cut my lord's throat. The

Second, many reports in several parts of England, (before my lord's death,) that the Earl of Essex had cut his throat in the Tower. For proof of their previous resolution to cut my lord's throat, pray read this paper, which I have taken for my own satisfaction, and the information of some friends, from the person's own mouth.

G. D. S. saith, "That a little before the death of the late Earl of Essex, as she was servant in the house of one Mr Holmes, a papist, then living in Baldwin's-Gardens, about nine days before my lord's death, some papists (among which one Mr Lovet, whom this informant knew) met in her said master's house, she being then in the kitchen with one W. A. then apprentice with the said Mr Holmes. The said W. A. went a little up stairs, and stopping, beckoned to this informant to come to him, which this informant accordingly did; but the said W. A. soon went up stairs into the garret (as this informant supposes) to work, and left this informant on the stairs; and this informant heard the aforesaid papists discoursing in the room just over the kitchen, concerning the said Earl of Essex, and the substance of what she then heard was to the effect following, viz. one of them cursing the said earl, called him villain and dog, (or

such, with several such opprobrious terms,) saying, *he knew so much of their designs, and*
Note *was so very averse to their interest, that unless he was taken off, they should never carry them on.* Upon which it was then answered by another, that they had been with his highness, and his highness was for *poisoning* the said earl; but his highness was told, that manner of death would not look well to the world. It was then also declared, that one had proposed to his highness *stabbing* the earl; but that was likewise not agreed on. At length his highness concluded, and ordered his throat to be cut; and his highness had promised to be there when it was done; (but this informant remembers not any place mentioned where the earl's throat was to be cut)." This was the substance of what this informant heard the first meeting; but about three days after, some of the aforesaid persons met again at the said Mr Holmes's house, and this informant listened (as before) to their discourse, and heard one of them say, "*That the cutting the earl's throat was agreed on, but they would give it out that he had done it himself; and if any should deny it, they would take them up, and punish them for it.*" This informant further saith, "That being much troubled in mind for what she had heard, as above related, she was willing to have discovered to some justice of peace what she knew, as aforesaid, being willing the mischief, as above-designed, might be prevented. Whereupon she went to a friend of her's to advise with, viz. one Mr B., since dead, (who, before that time, had been her master,) who lived not far from Mr Holmes's house, and informed him as before set forth. Whereupon the said Mr B. *did advise her to be silent; for the papists, carrying all before them, she was ruined if she spoke of it.* Upon which she did not, to her remembrance, then reveal it to any other." This informant further saith, "That the very day of my lord's death she was (not long before dinner) at a chandler's, (not far from the said Holmes's house,) viz. one Mrs Hinton's, in Leather-Lane, where there then came some who declared, that the Earl of Essex had cut his throat in the Tower; upon which she went home to Mr Holmes's, and was extremely troubled, and immediately taken with fits, having, as before, heard their resolution to cut the earl's throat." This informant further declareth, "That about two or three of the clock the same day the earl died, some of the aforesaid consult met again at her master, Holmes's house, and she heard them leap about the room; and one of them struck him upon the back, and cried, "*The feat was done, (or we have done the feat).*" Whereupon the said Mr Holmes replied, "Is the earl's throat cut?" To which the other answered, "Yes," and further said, he could not but laugh to think how like a fool the Earl of Essex looked when they came to cut his throat. The said Mr Holmes did then say, "Was his highness there?" To which the other papist replied, "Yes." This informant further saith, "That she did, about four years since, discover to one Mr R. (with whom she then lived as a servant,) his wife and daughter, that she had heard at Mr Holmes's house aforesaid, some papists (several days before my lord's death) declare, that the earl's throat was to be cut; but her said master R. commanded her to hold her peace, and not to tell him such dangerous things, lest, as he said, being overheard, she should ruin him and all his family, or words to that effect."

G. It's improbable that any should discourse a matter of this consequence and secrecy, thus to be over-heard by the servant.

T. I do hardly know any house more convenient for a secret meeting, provided all the family be true to the design; and, it's probable, these men did not know that this maid was a protestant, or that upon the stairs in the kitchen their discourse could be over-heard; but indeed it could be there heard almost as plain as in the very room itself, unless you whisper.

L. Besides, consider the circumstances of time when this consult was held. This was when our government, in its corruption, was grown to such a pitch, that some people were loyally mad, and (through blind prejudiced obedience, I hope, more than ma-

lice) were offering up as sacrifices to the court, popish and arbitrary interest, the blood of those brave men who did zealously oppose those cursed designs, the popish and arbitrary end whereof we then saw through a glass, but since (to our cost) face to face. Should, therefore, this poor maid have revealed what she heard, it's ten thousand to one but *this* truth would have met with such a disbelief in some, and such hatred in others, that through both it would have been severely punished; for, be sure, these bloody men would have deposed, and, in probability, by others of their party, proved, that they at that time were somewhere else; and, without all doubt, our then juries would sooner have credited the many oaths which would, though falsely, have contradicted her testimony, than her own single evidence: And, therefore, I think Mr Billinger's caution (as before) given this maid, was grounded upon great reason, and what would have proved too true should it have been put to the trial.

G. Hath this woman been sworn?

T. Yes; and, as I have been told, deposed the same in substance before the lords.

G. She here speaks of several that she long since informed of this matter; is there any that have or will depose the same? for otherwise I shall look upon it as a new contrived story maliciously to traduce the most unhappy crowned head in Christendom, (King James the Second I mean,) and therein to serve a present interest.

L. I should agree with you in the same opinion, if it were not nor could be proved by those to whom she revealed it; but to satisfy you that it both can, and hath been proved *long since to be discovered by this D. S.*, pray read what Mr R., his wife, and daughter, (before-mentioned in Smith's information) do declare, and are ready to depose.

"*G.* Mr R., his wife, and daughter, do declare, and are ready to depose, That about four years since the aforesaid D. S. did declare, that she had heard a consult by papists several days before the Earl of Essex's death, wherein it was declared the earl's throat was to be cut. And the said Mr R. further saith, That he did check the said D. S. for speaking of it, and would not hear her freely declare what she would have said in that matter, because it would have been of dangerous consequence to himself and family, should such her discourse be over-heard, as it easily might by any that might have listened at the window. And the said Mrs R. further saith, That the said D. S. about four years since did declare, that she could say much more than she had to them revealed, and that she did hope she should live to see that day wherein she might with safety speak the truth in this matter."

L. Have either of those there been sworn before the lords?

T. Yes, Mr R. and his daughter, and they have declared to me that they have deposed the same in substance before the lords.

L. How long hath Mr Braddon known of this evidence?

T. No longer than about February last.

G. How doth that appear?

T. By those two informations following; by the first of which you will perceive, that what this D. S. knew in this matter she was much afraid to reveal to every one.

L. She had great reason so to be, for had it been long since known to some that she knew so much, in all probability she would not now have been in the land of the living to have given this information.

T. The information you may read.

G. R. M. of London, goldsmith, deposeth, That some time after the death of the late Earl of Essex, observing D. S. to be very melancholy, and much concerned and troubled in mind, the said R. M. desired the said D. S. to tell the reason of such her de-

jection; but the said D. S, at first was very unwilling, saying, she was afraid to reveal her mind to any. Whereupon the said R. M. advised her to discover it to some particular friend whom she could safely confide in: Upon which the said D. replied, *That somewhat which she knew with relation to the death of the late Earl of Essex was the cause of her trouble, and it was not safe for her to reveal it,* (or words to that effect;) whereupon the said R. M. advised her not to reveal it to any one, till she might with safety. The said R. M. farther saith, That about February last, the said R. M. finding it safe to ask, and no danger to the said D. S. to reveal what she knew with relation to the said earl's death, he then desired her to inform him what she knew with relation thereunto. Whereupon the said D. S. told him she had heard a consult before my lord's death to cut his throat, and that some great person was named at that meeting as concerned in contriving the said earl's death, (or words to that effect;) upon which this deponent (without being very inquisitive into particulars,) spoke to one Mr T. to acquaint Mr Braddon, whom the said R. M. knew not, nor to his knowledge ever saw; and sometime after the said Mr T. told the said R. M. that he had spoken to the said Mr Braddon about it, and that the said Mr Braddon did desire him the said R. M. to bring the said D. S. to the Cross-Keys in Watling-street, where this deponent and the said D. S., with one friend of hers more, met the said Mr Braddon and Mr T., and then the said D. S. gave the said Mr Braddon a particular account of what she knew with relation to the earl's death. And this deponent doth verily believe, that before that time the said D. S. never saw the said Mr Braddon or Mr T.

W. T. Gent. deposeth, That about January last, discoursing with one R. M. concerning the death of the late Earl of Essex, the said R. M. told this deponent, that he knew one D. S. which could say what was material, with relation to the death of the late Earl of Essex; whereupon this deponent declared that he would inform Mr Braddon of the same, of which the said R. M. seemed very willing and desirous. This deponent did so accordingly, but the said Mr Braddon spoke to this effect, *viz.* "That he did believe the papists did endeavour to put sham-evidence upon him, which they being able to detect, would from thence argue against the truth of all that should be said. And, therefore, the said Mr Braddon declared, that unless the said D. appeared to be of good reputation, and that she had some years since discovered what she knew in this case to some friends, so that it did appear that it was not a new-contrived story, either to serve the present interest, or to baffle what else should be sworn, he would not believe whatsoever she should say, neither would he have her sworn whatsoever she declared, unless it appeared as above, confirmed by those to whom she revealed it." This deponent told the said Mr Braddon that he knew not the said D. S., neither (to his remembrance) had ever seen her; but if the said Mr Braddon would appoint some time and place, he might discourse the said D. S., and hear what she could say; which the said Mr Braddon declared he would do if he knew where to speak with her; upon which this deponent went to the said R. M., and desired the said R. M. to bring the said D. S. to the Cross-Keys in Watling-street, such a day and hour, for there the said Mr Braddon and this deponent should then be. This deponent further deposeth, That the said R. M., D. S., and another, met this deponent and the said Mr Braddon accordingly; and this deponent saith, That he this deponent, the said R. M., and another person, were present when the said Mr Braddon discoursed the said D. S., who then gave the said Mr Braddon a particular account of two meetings of papists several days before the Earl of Essex's death, wherein it was declared how the Earl of Essex's throat was to be cut, and by whom ordered, and likewise of what passed the day the earl died, at the same house where they met before his death. This deponent further deposeth, That the said Mr Braddon then spoke to the said D. S. to this effect, That unless she could produce persons of very good reputation, to whom she had some years before revealed it, he would look upon it as a new-contrived story, either to serve the interest of the

government, or invented to baffle what else should be sworn; for though it was of very dangerous consequence to reveal it, yet he could not believe she had been so secret in it as not to reveal it to any; and thereupon this deponent heard the said D. S. declare she had revealed it to several which she named, but she was by all cautioned to secrecy, as she valued her safety. The said D. S. did then further declare to the effect following, *viz.* That for some time after my lord's death it did extremely trouble her, and she went to a divine for his advice in the matter, for which she was extremely concerned to think that the papists should lay the earl's death to his own charge, when she had (as before) heard how they themselves had resolved to cut his throat; but the said divine told her, (as she then said) she must be quiet and silent in the matter, till such times should come wherein she might with safety reveal it. This deponent farther deposeth, That he (to his best remembrance) never saw the said D. S. before this meeting. And this deponent doth verily believe, that the said Mr Braddon never saw the said D. S., till (as before) at the Cross Keys in Watling-street. And this deponent farther believeth, that the said Mr Braddon never did hear of the said D. S. or R. M. before this deponent had (as above deposed) given him information of them.

T. I have often heard Mr Braddon declare, that he never heard of the said D. S. before Mr T. (as before) informed him of her, and this he would depose if thereto called.

L. I think that matter is as plainly proved as the thing is capable of; for no man can swear positively (besides Mr Braddon) that Mr Braddon never heard of, or saw the said D. but through the information of Mr T., but by all circumstances, as before deposed by Mr M. and T. he never did.

G. Mr M. deposeth, That about February he did inform Mr T., and Mr T. deposeth it was about January: here seems some variation.

T. None, I think; for when a man is to be examined to a fact about six months after the fact done, the certain time whereof he did not set down, he may be well uncertain as to a week or much more. Now neither of these informants being positive as to the time, but Mr T. being more inclined to believe it to be in January, and Mr M. thinking it was the beginning of February, each being to swear as himself believeth (as to the time) thus came the seeming difference. Besides, when a man speaks of an action to be done about such a year, month, or week, certainly (in common acceptation) about a year, includes either the very year, or the year before or after; and about such a month, either the very month, or the month before or after, &c.

G. I am herein satisfied; now this information of D. S. thus strengthened, would alone convince me of the truth of my lord's being murdered, were it not that I had heard some informations read in the court of King's Bench, (upon a motion made for the bailing of Mr Holmes,) which with me, and indeed with all men, must totally destroy the credit of this pretended consult.

If I mistake not, those informations proved this D. S., for suspicion of theft, to have been turned out of Mr Holmes's service in April before my lord's death; whereas she swears herself a servant with Holmes at the time of my lord's death, which was July the 13th. I remember not the names of these deponents, but I am almost positive this was what was sworn; and if I mistake not, there was somewhat else deposed by a country parson, which in some other particulars contradicted D. S.'s information.

T. I will herein arm you against myself, and produce you copies of these informations you speak of.

The first is of one Dorothy Hewit, sister-in-law to Mr Holmes, a very violent papist, and otherwise not of the best reputation. The second is of one Elizabeth Christopher, once reputed of a very loose character. And the third, of Nathaniel Swan, clerk, to whose character I shall speak in a more proper time and place.

These are the names of the informants, and here are the informations, which you may read, if you please.

G. Dorothy Hewit, of Hatton-Garden, in the county of Middlesex, widow, maketh oath, That one Dorothy (now called by the name of Dorothy Smith,) was servant to William Holmes of Baldwin's-Gardens, in the county of Middlesex, varnisher, and brother-in-law to this deponent, and lived with the said William Holmes, as his maid-servant, about the space of a month, and went away from the said service in the month of April, in the year of our Lord 1683, and was turned away upon suspicion of stealing a silver spoon, for which the said William Holmes's wife refused to pay her any wages, and, after a long dispute, the said Mr Holmes did detain 4s. 6d. or 5s., for satisfaction of the said spoon; upon which the said D., in the presence and hearing of this deponent, did give the said Mrs Holmes very opprobrious language, and declared that she would be revenged of her, or words to that effect. And about two or three days after the said Dorothy was turned away as aforesaid, one Elizabeth Cadman came into her place, and lived with the said William Holmes for the space of nine months, and upwards. And this deponent further maketh oath, That the 6th day of July, in the said year of our Lord 1683, this deponent went with the said William Holmes, from the said William Holmes's house, into the country, and went that day to Wickham, in the county of Bucks, and the next day went to the city of Oxford, where this deponent and the said William Holmes continued till the 9th day of the said July; and the said 9th day this deponent and the said William Holmes went from thence to Alderminster, in the county of Worcester, to the house of one Mr Nathaniel Swan, minister of the said town, and continued there till the 23d day of the said month of July, and then returned towards London, and came to London the six or seven-and-twentieth of the said month of July, 1683.

Elizabeth Christopher, late Elizabeth Cadman, now wife of John Christopher of Winford Street, near Whitechapel, cloth-worker, maketh oath, That she, this deponent, was servant to, and lived with William Holmes, varnisher, from the month of April, in year of our Lord 1683, which said Mr Holmes then lived in Baldwin's-Gardens, in the county of Middlesex, and is now a prisoner in the gaol of Newgate; and that this deponent continued his servant as aforesaid, and lived in his house from the said month of April, for the space of nine months and upwards then next following; and that there was not, in that time, any other female servant living with the said Mr Holmes. And this deponent farther maketh oath, That the said Mr Holmes, in or about the beginning of the month of July then next following, did go into the country with Mrs Dorothy Hewit, widow, his wife's sister, and continued absent for about three weeks; and she, this deponent, hath heard the said Mr Holmes, his wife, and sister, declare that they went into Worcestershire, and in their absence this deponent did hear of the death of the late Earl of Essex in the Tower of London.

Nathaniel Swan, of Alderminster, in the county of Worcester, clerk, maketh oath, That about the 9th day of July, in the year of our Lord 1683, William Holmes, of Baldwin's-Gardens, in the county of Middlesex, varnisher, now a prisoner in Newgate, London, with and in the company of Dorothy Hewit of Hatton-Garden, in the said county of Middlesex, widow, sister-in-law to the said William Holmes, and granddaughter to this deponent, came to this deponent's house, in the said town of Alderminster, and continued there with this deponent till about the three-and-twentieth day of the said month of July, 1683, and then departed thence towards London.

G. What can you say in contradiction to these depositions, either of which being

true, your pretended consult falls down to the ground, and your first evidence proved false? Of the same nature are (I believe) all the rest, though they may not be so happily detected as this Smith's evidence is by these depositions.

L. I believe these depositions will be of but little service to you, because your adversary *did* so readily furnish you with them; I am therefore apt to think he may be able to destroy the credit of these, as these seem to do the credit of Smith's. And if it *shall* appear that these informations are false, such a detection will add great force to the credibility of Dorothy Smith's deposition; for whosoever flies to lies for a defence hath nothing of truth and innocence for protection.

G. I must confess there cannot be a greater argument of guilt than a false defence, seeing every man in his defence doth virtually conclude, "If my defence be false, my charge is true."

L. The law concludes the same in all civil actions; for instance, he that is sued upon a bond, and pleads *non est factum*, or *solvit ad diem*, or a release, or a former recovery, &c. Whatsoever such general issuable plea is pleaded, and the plaintiff denies this plea to be true, and thereupon the truth hereof being tried, if what is pleaded appears false, the law immediately gives judgment against the defendant; for it's to be supposed that every man will first plead the best (and consequently the truest) plea he can in bar of the action; and if his first plea proves false, it's presumed he can give no true and just cause to exclude the plaintiff his action, for if he could, he would first have pleaded it.

T. The same holds good upon criminal prosecutions; for if a man shall be accused (though but upon suspicion) of having committed a robbery within two miles of Salisbury, such a day, upon such a coloured gelding, and to avoid this charge, the prisoner pretends he was never within thirty miles of Salisbury in his life, and he likewise produces some (not of the best reputation) who declare, that for ten days before that robbery, and as long after, the prisoner being very sick, kept his chamber, and stirred not out of it; if, in contradiction to this, it be positively sworn by persons of undoubted credit, who well knew the prisoner, that the very day of the robbery committed, within a very short time before the robbery appears to have been committed, they met the prisoner nigh the place where, &c., the prisoner's gelding, and all other circumstances, in his clothes, &c., agreeing with the description the prosecutor gave, I say, if this be credibly proved in contradiction to the prisoner's defence, it cannot but satisfy any judge and jury that the prisoner is *really* guilty; neither are they to answer at the last day for his blood, should he prove innocent, but his blood shall be required at his own hands, seeing, by his false defence, he became a self-destroyer, according to the common judgment of all mankind. The like may be said in a thousand other cases.

L. Innocence is naturally suspected as guilt, when the falsity of its defence is detected; for if a person of a very ill reputation charged a man with a crime, if I knew the disreputation of the accuser, the bare denial of the accused might more influence my belief than the oath of the prosecutors; but if once I found the prisoner false in his defence, that charge which before I disbelieved as false, I should then immediately as firmly credit for the truth; but I desire to know what can be said in answer to these counter evidences.

T. Dorothy Hewit's deposition declares, That D. S. was turned away in April before my lord's death, upon suspicion of stealing a silver spoon, and upon her being so turned away, she threatened Mr Holmes with revenge. This deponent further deposeth, That she went with Mr Holmes into the country the 6th of July, and tarried with him till about the 27th, so that Mr Holmes was not at home the 13th of July, as Smith deposeth.

Elizabeth Christopher deposeth, That she came to Mr Holmes's service in April,

1683, and tarried there for nine months, and no other maid-servant was with Mr Holmes all that time.

Mr Swan deposeth, That Mr Holmes was with him from about the 9th of July, 1683, till about the 23d or 24th of the same month.

Hewit and Christopher have sworn further back from my lord's death than the case required; for if they had deposed that D. S. went away the first or second of July, 1683, it had been more difficult to have disproved them; but having allowed almost three months to prove them forsworn, it hath been done with the greater ease, whereas these two swear that D. S. went away in April before my lord's death; by these two depositions following it appears that she came not a servant to Mr Holmes till after May, 1683.

Pray read these depositions.

G. S. D. of Little Britain, London, widow, deposeth, That in June and July, 1683, she lodged next door to Mr Holmes's, in Leopard's Alley, in Baldwin's-Gardens, and in June or July, 1683, she knew D. S. to be then a servant to the said Mr Holmes, and
Note. whilst the said D. was there a servant, she did several times borrow a Bible of this deponent, and eat green pease with this deponent, pease being then three-pence or a groat a peck. This deponent further deposeth, That the said D. S. whilst she was a servant as aforesaid to the said Mr Holmes, came crying to this deponent, and told this deponent, that whilst she was out of her master's house there was a silver spoon lost, and her mistress told her she should pay for it, which the said D. S., crying, did much complain of. This deponent further saith, That she saw the said D. several times after this spoon was said to be lost, and whilst the said D. was servant to the said Mr Holmes: but how long the said D. S. tarried servant with the said Mr Holmes after the spoon was lost, or when she left the said Mr Holmes's service, this deponent knoweth not. But this deponent saith, That the said D. S. came not to the service of the said Mr Holmes till some time after the 27th of May, in the year aforesaid.

The Information of R. B.

R. B. of Old-street, blacksmith, deposeth, That he knew D. S. in May or June, 1683, and about twelve weeks next before, to be servant to one Mistress Ward in Old street, where this deponent then lodged; and the said D. did not go from the said Mistress
Note. Ward's service to be servant to Mr Holmes in Baldwin's-Gardens, till after green beans were fit to eat. This deponent further deposeth, That about the end of June, or beginning of July, in the year aforesaid, this deponent went into Baldwin's-Gardens, and sent to the said Mistress Holmes's to speak with the said D. S., who did thereupon come and speak with this deponent at one Mr Billinger's, (with whom the said D. had been before a servant,) but when the said D. left the said Mistress Holmes's service this deponent knoweth not.

L. I perceive Hewit and Christopher have sworn D. S. to have gone away from Holmes's above a month before she came there to service; but what farther evidence have you of this matter?

T. I desire these depositions may likewise be read.

The Information of A. D.

A. D. of Old-street, spinster, deposeth, That some time after Midsummer, in the year

1683, either the end of June, or beginning of July of the same year, this deponent saw D. S. then a servant in the house of Mr Holmes in Leopard's-Alley, in Baldwin's-Gardens; but when the said D. went from the said Mr Holmes's service this deponent knoweth not.

The Information of K. C.

K. C. of Baldwin's-Gardens, maketh oath, That, in or about the month of July, 1683, she met D. S. by Leopard's-Alley, in Baldwin's-Gardens, with green pease, and the said D. S. crying; this deponent asked the reason, to which the said D. answered, That her mistress, (Mrs Holmes of Leopard's-Alley, in Baldwin's-Gardens, with whom she said she then lived) whilst she was at market that morning had lost a silver spoon, and told her she should pay for it, or words to that effect. This deponent further maketh oath, That several days after this she saw the said D. in Baldwin's-Gardens, whilst the said D. was (as she then declared) a servant to the said Mrs Holmes.

The Information of E. M.

E. M. wife of *R. M. of Vine-street, in Hatton-Garden, paviour,* deposeth, That in *July, 1683, she lived* next door to Mr Holmes's, in Leopard's-Alley, in Baldwin's-Gardens, and she knew D. S. to be a servant in the house of the said Mr Holmes in the same month of July, 1683, after the death of the late Earl of Essex; but this depo- Note
nent knoweth not how long the said D. S. tarried with the said Mr Holmes a servant. This deponent further deposeth, That the said D. S., in the month of July, 1683, told this deponent that her mistress had lost a silver spoon, and told her she should pay for it; whereupon this deponent said, It was well if the right owner had not mislaid it to make her pay for it, or words to that effect. This deponent farther deposeth, That the said D. S. remained a servant with the said Mr Holmes several days after the said spoon was lost.

L. Here are five depositions against your two, and unless these five appear to be of very infamous characters, Mrs Hewit and Christopher deserve a pillory for swearing falsely in protection of murder. What is sworn by these five seems very natural, because most agree in this, that D. S. was a servant with Holmes in that time of the year when green pease were very plenty, and cheap: now this is a natural evidence, that it was long after April, for all men know pease are not then a groat a peck, nor indeed to be had for any price.

G. These depositions contradict Hewit and Christopher as to that part which proves D. S. to go from Mr Holmes in April, but how do you prove Mr Holmes was in town the 13th of July, 1683, seeing Mr Swan as well as Hewit prove him in the country?

T. As for Mrs Hewit's deposition in that point, it is of no credit at all, for if it be once disproved in any particular, (as I think it sufficiently is,) the credit of the whole is destroyed; *for perjured or forsworn in one thing, believed in nothing.* But seeing Mr Swan (which, by the way, is fallen into ill company in this his evidence) deposeth, That Holmes came to his house *about* the 9th of July, 1683, and tarried till the 23d; Mr Swan hath sworn very indefinitely as to the first part, for what allowance he will have made for *about* I can't imagine, if he thinks reasonable that *about* shall include the 16th, (seeing the time is so long past,) to which he swears, this objection falls of itself; but if the parson will be more certain, and depose, that Mr Holmes was at his house before the 13th of July, 1683, and tarried there till the 23d, then will his oath be some objection, which otherwise is none. Nevertheless it appears, by the informations following,

that Mr Holmes did not go into the country with Mrs Hewit till D. S. left Holmes's service; and it is sworn by E. M. that D. S. did not leave Mr Holmes's service till after my lord's death; therefore, according to these informations, Holmes did not go into the country till after the death of the late Earl of Essex. Pray read this information.

G. W. A. declareth, and is ready to depose, That whilst D. S. was servant to Mr Holmes, in the year of our Lord 1683, this informant being then apprentice to the said Mr Holmes, remembers that Mrs Holmes pretended she lost a silver spoon; but this informant saith, That the said D. S. was not immediately hereupon turned away, for she tarried sometime after, to the best of this informant's remembrance about a fortnight. This informant further saith, That Mr Holmes did not go his journey into the country with Mrs Dorothy Hewit until after the said D. S. left his service. But this informant at present can't be positive what month the said D. S. went from Mr Holmes's service.

W. A. is ready to depose, that a little before D. S. left Holmes's service, she was taken with fits, and in her fits would cry out "The papists are bloody people! the papists are bloody people!" several times over repeating it. D. S. saith, that the fright she was in when she first heard of my lord's death brought upon her those fits.

T. This information doth further prove, That the said D. did remain a servant with Holmes some time after this spoon was lost, and was not immediately turned away, as was pretended by Hewit. But a stronger evidence to prove Hewit in town, whilst she swears she was with Mr Holmes in the country, than any you yet heard, is a taylor's book, ready to be produced, by which it appears that Mrs Hewit had a dust-gown (a peculiar riding upper garment) made for her the week next after she swore she went out of town; (this gown was made the week my lord *died*;) the gown appears to be made about the Wednesday, which was the 11th of July, the second day next before my lord's death; but the taylor can't be positive what day of this week he did deliver this gown to Mrs Hewit. The taylor's information is as followeth:

"J. W. of St Dunstan's, declareth and is ready to depose, That in July, 1683, he lived in Poppin's-Alley, nigh Fleet-Street, very near Mrs Dorothy Hewit, and often wrought for the said Mrs Hewit, and between Monday the 9th of July, 1683, and Monday the 16th of the same month and year, this informant made, or caused to be made, a dust-gown for the said Mrs Hewit, as appears by this informant's book, ready to be produced; and the very same week, viz. between Monday the 9th July, 1683, and Monday the 16th of the same month and year, (but in the very day this informant is not certain,) this informant carried the said dust-gown to the said Mrs Hewit, who did then pretend she was about going into the country; but how long after the dust-gown so delivered, the said Mrs Hewit did go into the country, this informant knoweth not."

T. This entry, before my lord's death, is so clear an argument of the falsity of Holmes's defence——

L. And consequently of the truth of his charge.

T. That there can't be a more satisfactory evidence in this part produced.

G. How came this entry to be found out?

T. When Mr Braddon found that Holmes endeavoured to prove (as before sworn by Hewit) himself out of town from the 6th of July, 1683, to the 26th or 27th of the same month, Mr B. did endeavour to enquire out all such as either Mr Holmes or Mrs Hewit were well known to or traded with; and therefore he made enquiry after all those with whom (in that month and year) they bought of, or sold to, all shopkeepers, taylors, butchers, fishmongers, shoemakers, hatters, &c.; and such as upon enquiry he received such characters of as he might expect fair satisfaction from, he did desire to see their books in that month of July, to see whether any goods were bought in town by the said Mr Holmes or Mrs Hewit, (for proving Hewit in town, proves Holmes likewise in town, because it's sworn, and can be proved, they both went out of town together,) or any money paid between the 6th and 26th of July by either of these. After a very long and tedious enquiry, (all those tradesmen being altogether strangers to Mr Brad-

don) he providentially met with this Mr W. who very readily shewed his book, wherein is entered as before declared. This book hath not been of any use to Mr W. for almost five years, and it was a very great providence this had not been torn out, seeing the book for some years had been used as waste paper, and the very next leaf to this torn out and lost.

L. Upon the smallest matters things of the greatest moment many times do depend; who could have thought this entry, so preserved, would have been serviceable in so weighty and just a cause?

T. No one providence is independent, but the most considerable occurrences are often brought about by things of the least consideration. Joseph's dream preserved his aged father and all his brethren, and in them all that sprang from them, from that pale famine that otherwise might have devoured not these only, but Egypt itself. And Ahasuerus not being able either to dream or sleep, not only saves the Jews from their enemies, but destroys their very enemies themselves.

L. What can Holmes and Hewit say in vindication of this notorious false defence?

T. As soon as Mrs Hewit understood such a taylor's entry was against her oath, she, with Holmes's wife, went to this taylor, and desired to see his book, which being shewed, Hewit first pretended that this entry was forged and new; but when Mr W. declared he could safely, and would depose that the entry was real, it was then pretended that the gown was sent into the country after Mrs Hewit; but when, in answer to that, Mr W. declared he could depose that Mrs Hewit was in town when that dust-gown was made and delivered, and that she then pretended she was about going into the country, (but how many days after she did go he could not tell,) Mrs Hewit told him, if he did swear that, he would take off her brother's life, and Holmes's blood would be upon his head.

L. This is a villainous and false suggestion, to prevent the detection of blood, and evade the punishment for the vilest murder. I am sure of this, if Mr W. should, upon oath, deny what he can with safety assert, he would draw the guilt of perjury on his head. And not only so, but this perjury being in protection of a murder, to that perjury he would add the guilt of my lord's blood, seeing by that perjury he doth endeavour to stifle the discovery, and prevent the prosecution of the most treacherous, barbarous, and cruel murder, (in all circumstances considered) our nation ever knew. If he that protects a murderer, (being well assured that he is such) in his house, to avoid the common methods of justice, deserves in our law to answer this evasion, (which makes him accessary after the fact) with nothing less than his life, how much more criminal (before God) is he that by perjury endeavours to frustrate the execution of justice upon the like offender? The first doth an action in itself abstracted from the end hospitable, nay, it may be charitable; and his intentions (which argues his after assent to the murder,) renders him a criminal; but the second commits one of the greatest transgressions, (which in itself deserves almost death) with the same ill design as the first; wherefore most certainly he is the greatest criminal of the two, by that addition of perjury to the same offence. And though our law in this case punish not the second offender with death, yet I am sure (and I think all men will own) that the second most deserves it.

" That D. S. was a servant at Holmes's the day of my Lord Russel's trial, and my Lord of Essex's death, and that Mr Holmes and Mrs Dorothy Hewit were then in town, farther appears from the words of a dying man, who, upon his death-bed, did several times declare he knew D. S. then there a servant, and Holmes and Hewit then in town; and both Holmes and Hewit that morning pretended they would go to my Lord Russel's trial: This person did often, for several days before his death, declare this, as what he could answer as a great truth before that God before whom he was shortly to appear; and all this he did confirm with almost his very last breath. This person

This is ready to be proved by several.

did farther declare, That when D. S. was a servant to the said Mr Holmes, and a little before she left Holmes's service, she told this informant she was much troubled with somewhat which lay upon her mind, upon which this informant was desirous to know what it was, but the said D. would not tell, being unwilling and afraid, upon which this informant advised her to go to some divine and disclose it."

L. If the positive depositions of the living, and the last breath of a dying man then dropping into eternity, where this relation, (had it been false) would eternally torment him, may be credited, Hewit and Christopher are most notoriously perjured, (and the parson himself *about* being forsworn, for *about* hath saved him from a flat perjury,) and consequently Mr Holmes's defence thus sworn to is false throughout.

T. Who then can otherwise conclude but that this charge is true?

L. It's very probable, that some or other that knew Mr Holmes or Mrs Hewit might see one or both of them at my Lord Russel's trial, (if they were there,) or might that night hear them confess their having been there; for this was a very notorious thing, and a sight which people of their religion and characters would rejoice to see and delight much in the repetition of.

G. It's not unlikely but that others may remember they saw them that day, and heard them give an account of both my Lord Russel's trial and the earl's death; for both these things are so remarkable as may fix the remembrance of Holmes's and Hewit's being in town in some of their acquaintance.

T. I think the taylor's book before observed, and the words of a dying man, will be sufficient to convince all mankind. Nevertheless I can't but say this, that it's the duty of every person that can be positive in Hewit's or Holmes's being in town that day the Earl of Essex was murdered, which was the same day my Lord Russel was tried, or their being in town the day just before or next after, (for that week proves Hewit perjured, who swears she and Holmes went out of town the week next before, and returned not till the 26th of the same month;) I say whosoever can be positive in this, and reveals it not, consents to the death of my lord; and though human law reach him not, the divine Law-giver will one day lay it to his charge, as consenting to this blood.

G. This doctrine I do not well understand.

L. The doctrine (I think) is both true and plain, and I will give your an instance somewhat like this. A gentleman such a day, very early in the morning, was found murdered between London and Highgate, with one glove lying by the body, and not any person at the first, by his relations, particularly suspected for the murderer; at length, upon diligent enquiry, it was found out (about two months after the death) that a certain gentleman had sworn he would murder the deceased if he could ever meet with an opportunity. Upon this suspicion he was taken up; the prisoner denies the fact, and in particular saith, that he could make it appear by two (then present) how that two days before this murder he went to Salisbury, and tarried there till ten days after, and such a day he with his two friends returned to London, (which two friends being then there, declared they were ready to depose the same.) A gentleman just then coming in, who knew and was very well acquainted with the prisoner, having been informed of his defence, immediately reflected upon this defence, and knew it to be false, for this gentleman with three others, (all knowing the prisoner) very betimes the very morning the murder was committed, (which was of a remarkable day) were walking out in Lambs-Conduit fields, there and then met the prisoner, (with another person, a stranger to them) to whom they spoke, and he to them; and a little after the prisoner was his spaniel, running with a fringe glove in his mouth; this gentleman being well known to the dog, calls the dog and takes from him the glove, puts it in his pocket and carries it home. This gentleman therefore knowing this defence to be false, conuded (as he naturally might) that the charge was true, and here-

upon (though with some reluctancy, because the prisoner was his acquaintance, but not dearer to him than his love to justice,) declares what you have before heard, and fetches the glove and his two friends, and all depose (in contradiction to the prisoner's defence) what you have before heard related, and the glove appeared to be the glove of the person murdered, and fellow to that found by the body. And now I desire to know of you what you think of this gentleman who thus falsified the defence; did he do the duty of an honest man?

G. Truly I believe he did, and was to be commended for so doing, though the prisoner was his acquaintance; for justice obliged him to it, and justice knows neither acquaintance, relation, or friend.

T. But do you not think that this gentleman (*in foro conscientiæ*) had been consenting to this murder, had he suffered the prisoner by such a forged defence (which he knew well to be false) to baffle the prosecution?

G. By his silence he would have consented to the murder, and (negatively at least) protected the prisoner from that just punishment which both the law of God and man justly inflicts for such an offence.

T. Upon the whole matter, I think you have rather lost than got any ground by those depositions upon which you so much relied to falsify D. S.'s testimony; and that which you have brought to destroy hath strengthened her evidence, and consequently gives credit to the truth of that most barbarous murder.

L. For my own part I am very well satisfied, that D. S. hath deposed the truth; for how can it be thought that she should declare so long since that she knew of this consult, if she had not indeed heard it; her very saying it would have gone nigh (as it would then have been managed) *per fas aut nefas*, to have cost her life; and to believe that she would hazard her life to a lie cannot enter into my thoughts. And therefore I am verily persuaded that nothing but the power of truth made her speak in this matter.

G. It appears sworn by Hewit, that D. S. threatened Mrs Holmes with revenge when she was turned away.

L. For this you have the oath of one who is sufficiently detected of a falsity in two other particulars, and therefore not in this or any thing else to be credited.

T. Had she designed any revenge, she would have sworn more home upon Mr Holmes; for when she was asked whether she did remember that Mr Holmes was in the room either of the two meetings before my lord's death, she declared she would not swear it, because she remembered not that she had heard him there; but all that she could positively swear against him was what passed after my lord's death, viz. *When Mr Holmes came into the room about three of the clock that day my lord died, one strikes him upon the back, and cries, We have done the feat; upon which Mr Holmes said, What, is the earl's throat cut? to which the other replied, Yes, and further said, he could not but laugh to think how like a fool the earl looked when they came to cut his throat;* upon Holmes's question, it was plain he well understood the meaning of that expression, *the feat was done*, or otherwise he could not so readily have hit the thing.

G. Can it be supposed that Mr Holmes would, at three of the clock that day my lord died, ask whether my lord's throat was cut, when it had been, from eleven of the clock that day, in every man's mouth; and consequently Holmes could not but believe, without any further enquiry, at that time of the day?

L. What Holmes here spoke by way of interrogation, might be intended as a strong affirmation of what seemed to be asked, and this you cannot wonder at; have you forgot that common figure, *Quærit erotesis, &c. Is not this the carpenter's son? Is not this he* (speaking of St Paul) *that destroyed them which called on his name at Jerusalem? &c.* in both these the thing is most strongly affirmed. A thousand such instances might be given. Or it's possible that D. S. might mistake; for whereas she saith,

what Holmes said, What, is the earl's throat cut? which makes it an interrogation, the expression might be, What, the earl's throat is cut, and this makes it a positive affirmation. Here the words are the very same, only in the first the copula is placed before the subject, and in the last just before the predicate.

G. I must confess, if either of these have sworn true, or the dying man spoke truth, this truth is a very strong confirmation of her testimony, and I cannot well disbelieve these five, seeing they all so well agree in their evidence; for five swear Smith was there about pease time, which must be after April. I shall detain you no longer upon this particular, but desire you to proceed.

T. Secondly, the many reports in several parts of England, (before the earl's death) that the Earl of Essex had cut his throat in the Tower. This is proved by eight witnesses.

L. Enough, sure, to one point.

G. If their credit be good, none ought to doubt what is attested by so many.

L. The scripture saith, that in the mouth of two witnesses a thing shall be confirmed; he that will doubt the truth of a fact attested by eight credible persons is not to be argued with.

T. Pray read these eight informations.

G. "W. T. declareth, and is ready to depose, That Wednesday, being the 11th of July, 1683, the second day before the death of the late Earl of Essex, one Mr H. of Froom in Somersetshire, told this informant, that the Earl of Essex had cut his throat in the Tower. This informant farther saith, That about the 18th of the same month of July, in the year aforesaid, meeting some clothiers then newly come from London, the clothiers declared to this informant, that the Earl of Essex had cut his throat in the Tower, Friday before, about nine of the clock in the morning; upon which this informant declared, he had heard it from Mr H. the Wednesday before my lord's death. This informant farther saith, That meeting the said Mr H. soon after, this informant asked the said Mr H. how he could inform this informant the Wednesday before my lord of Essex's death, that my lord had cut his throat in the Tower, when it appeared that my lord of Essex did not die till Friday morning after, about nine of the clock? Upon which the said H. answered, That all concluded my lord of Essex would either cut his throat, or be an evidence against his friend my Lord Russel, and most believed my lord would rather cut his throat than turn evidence against his friend."

"J. B. of Marlborough in the county of Wilts, pin-maker, declareth, and is ready to depose, That he, this informant, was at Froom about eight in the morning, about 100 miles from London, Friday the 13th of July, in the year of our Lord 1683, and this informant then heard at the Dolphin aforesaid, that the Earl of Essex had cut his throat in the Tower; and the person that informed this informant then farther declared, That he much feared it might go the worse with my Lord Russel, which that day was to be tried."

"Mrs M. declareth, and is ready to depose, That Thursday the 12th of July, 1683, going with her daughter into Berkshire, her daughter informed this informant, that the night before, being Wednesday night, a gentleman declared it was reported one of the lords in the Tower had cut his throat."

"Mr P. H. merchant, and his wife, both declare, and are ready to depose, That these informants were at Tunbridge Wells, about thirty-five miles from London, the day of the death of the late Earl of Essex, and about ten of the clock that very morning it was whispered nigh the Wells, that the Earl of Essex had cut his throat in the Tower, but the same was soon contradicted and hushed up till chapel was ended, which was about, or a little before, twelve of the clock, and then the same report was revived, and so continued without any contradiction."

My lord was not known to be dead till after nine.

" T. F. of Andover, about sixty miles from London, declareth, and is ready to depose, That the 10th day of July, 1683, being the Wednesday next before the death of the late Earl of Essex, this informant heard it reported at Andover aforesaid, that the Earl of Essex had cut his throat in the Tower, and it was that same Wednesday likewise declared, that the earl cut his throat for this reason, viz. The king and duke coming into the Tower where the Earl of Essex was a prisoner for high treason, the earl was afraid the king would have come up into his chamber and have seen him; but his guilt and shame was such, that he could not bear the thoughts of it, having been so ungrateful an offender against so good a master, therefore his lordship cut his throat to avoid it. This informant further saith, That the same Wednesday night, enquiring at the coffee-house, whether the London letters made any mention of this, he could hear of none that writ of it; upon which this informant concluded it was false, though the same report continued at Andover. This informant further saith, That by Friday post he did expect a confirmation of the same, but could not (upon enquiry) hear of any London letters that spoke of it, upon which this informant concluded all was false. But Saturday being the 14th of July, the very next day after the earl's death, this informant was told that the Earl of Essex had cut his throat in the Tower; upon which this informant declared he had heard the same (repeating what he had as before heard) the Wednesday before; upon which this informant was told that it was very strange, seeing the earl did not cut his throat till the Friday after, or a little after nine of the clock in the morning."

" J. B. declareth, and is ready to depose, That he, this informant, lay at Andover, (about sixty miles from London) Thursday night, the 12th of July, 1683, the very next day before the death of the late Earl of Essex; and as this informant, Friday morning, about four of the clock, was going out with the ostler to catch his horse, the ostler several times over told this informant, that the night before it was reported at his master's house, that the late Earl of Essex had cut his throat in the Tower. This informant further saith, That the very same day, in the afternoon, he came to his own house in Southwark, in the county of Surry, and was then informed that the Earl of Essex, that very morning, between nine and ten of the clock, had cut his throat in the Tower; upon which this informant was much surprized, having, as before, heard the same at Andover, nigh sixty miles from London, above four hours before the earl's death."

" J. S. of Bolt and Tun Court, is ready to depose, That at or before six of the clock, that very morning the late Earl of Essex died in the Tower, (viz. July the 13th, 1683,) there came into this informant's house a gentleman, who, with much concern, told this informant he had just before heard the Earl of Essex had cut his throat in the Tower; but this informant, about eleven of the clock the same day, being informed that the earl was not dead till about nine of the clock, this informant was much surprized at the report of my lord's having cut his throat so many hours before the earl's death."

G. Have any of these eight been sworn before the lords?

T. I have been informed by all those eight witnesses, that they have deposed (in substance) as you have before heard.

This previous report can be proved by many more; but if these eight will not satisfy, eight score will not convince.

L. I think no man can well doubt the truth of this report before my lord's death, thus deposed by so many witnesses.

T. Those men wink hard, (that they may not be convinced) who will not reasonably conclude from those very reports only, were there no other sort of evidence, that this brave and honourable, but unfortunate earl, was indeed barbarously murdered; for you may observe all those reports in many places of England, *agree in the manner how, and the place where*, for all said that the earl had cut his throat in the Tower; one report doth not say the earl had destroyed himself, which might have comprehended any

manner of death, neither do any of those reports say, that my lord had poisoned, stabbed, hanged, or pistolled himself; (all which are common ways of self-destruction, and either might have been practised by any gentleman under confinement;) neither do either of those reports differ in the place where, (though all those places where the report was before my lord's death, that my lord had cut his throat in the Tower, could not at the time of this report be presumed to have been informed of my lord's being in the Tower,) I say all these reports jump in one and the same manner of self-murder, and all agree in the place where, viz. the Tower. This clearly proves, that some days before my lord's very commitment to the Tower, it was concluded, not only that my lord should be murdered in the general, but likewise the particular manner how, and the place where resolved upon. For how could Froom (being a hundred miles from London) hear, Wednesday morning the 11th of July, of my lord's being prisoner in the Tower, when his lordship was not sent to the Tower till the day before? (being the 10th in the afternoon;) or how could this commitment be well heard of at Andover (about sixty miles from London) on Wednesday morning, (Tuesday's post not being there till Wednesday in the afternoon,) when the commitment was not till the Tuesday in the afternoon? and yet at both these places, this very Wednesday morning, was it reported that the earl had cut his throat in the Tower.[1]

Note

L. To me it is beyond all doubt, from what before appears, that the Tower must be fixed upon as the place where this perfidious cruelty was to be acted, before my lord was prisoner in the Tower, and the particular manner concluded in, or otherwise the reports as to the manner how, and place where, would have differed.

G. But how could it be supposed to be sent from hence the Saturday before my lord's death, that my lord of Essex had cut his throat in the Tower, when it was well known throughout this town, that my lord was not then in the Tower, nor committed till the Tuesday following?

T. Upon the best enquiry I could make, and the most probable reason I can give, how this came so reported in the country before it was indeed done, is this: It was resolved upon, as D. S. deposeth, nine days before my lord's death, that my lord's throat should be cut. Now those that were privy to the whole secret, and were willing to oblige their country correspondents and friends with this (to that bloody party) grateful resolution, that the earl's throat was to be cut in the Tower, and laid to his own charge, and this to be done either soon after his first commitment, or upon my Lord Russel's trial, (which was put off some short time) such as had received so weighty intelligence were likewise willing and ready, partly out of a desire to oblige their friends in the country, (to whom this design might be as acceptable) and partly out of an itch of telling news, and of being the first in the country that gave information of this, (to them glad tidings) not doubting but my lord's throat was indeed cut when it was first resolved upon to be cut, viz. either upon his first commitment, (which they might suppose would have been before it was, all things being so resolved upon) or upon my Lord Russel's trial (which was to have been before it was, but put off, of which these country intelligencers might not hear,) these, I say, being informed that the matter was thus laid, concluded the thing was done as it was so designed to be done, and so reported the thing as done before it was indeed done.

G. I took more particular notice of F.'s information than of either of the eight. If

[1] This circumstance, which seems so very strong, is far from conclusive. In the first place, it would augur the most unpardonable imprudence on the part of the supposed assassins. But, secondly, report of such strange events as catch the vulgar, flies with the most wonderful rapidity. And, thirdly, it often happens, that the fact of such reports having been really uttered is founded on misconception. It was currently reported, and believed, upon apparently good evidence, that the unparalleled murder of the late Mr Perceval was publicly spoken of in the village of Ecclefechan, in Dumfries-shire, twenty-four hours before the news could possibly have travelled thither by the most rapid conveyance. But on investigation, the report was found to have arisen from the death of that excellent minister being confounded with a murder in Yorkshire perpetrated about the same time.

I mistake not, F. swears that the Wednesday before my lord's death, it was reported at Andover, That the king and duke being in the Tower, the earl was afraid the king would have come up into his chamber and have seen him, but his guilt and shame was such, (in consideration of his great ingratitude to the best of masters) that he cut his throat to avoid it; I desire to see this information again. Note

T. You are, as to the substance, in the right.

G. This looks as though the story were made after my lord's death, for the king and duke went not to the Tower till Friday morning, and their then going was altogether a surprize to the whole town: And after the earl's death their being then there occasioned very gross reflections, seeing they had not been, (as I have been credibly informed) above twice together in the Tower since the Restoration. Now that this unfortunate action (the earl's death) should be cloathed in the very same circumstances as afterwards pretended to be done, not only as to the manner how, the place where, but likewise the reason wherefore; which reason sets forth the king and duke's being in the Tower when the earl did it, and done to avoid seeing his majesty; for the earl (as was said) was afraid the king would have come up into his chamber and seen him; but the king and duke's being in the Tower could neither be foreseen nor expected; this, I say, makes F.'s evidence scarce credible.

T. Neither the cutting the earl's throat, or the place where it was to be done, or who was to be there, (*viz.* the king and duke) when it was to be done, could be either foreseen or expected by any but those who either laid this bloody scene, or were privy by information to its contrivance, and such as well knew or had been informed how this matter was resolved upon, may well be supposed capable of giving a particular information of this designed cruel tragedy.

L. I do well remember, that the very morning my lord died there was a small paper cried about of the earl's death, wherein it was so represented, and the common report of the town then was, that the earl cut his throat for the same reason so long before assigned by the report at Andover. I must confess this is very astonishing, and whosoever believes F.'s evidence only, must from such a belief be fully assured, not only that the earl's throat was designed to be cut, but likewise that it was contrived to be done in the same circumstances it was afterwards acted under, for else it could not possibly be so circumstantially reported before my lord's death; not only as to the *how* and the *where*, but likewise the *wherefore* given out before it was done.

T. Gentlemen, I perceive you are both extremely surprized with this particular evidence of F., as what looks like an after-made story, seeing the earl's death was here so long before reported, as afterwards it was pretended to be acted, both as to the circumstances of the king and duke's being in the Tower, and the consideration that (was pretended) then moved the earl hereunto, *viz.* fear of the king's coming into his chamber, and seeing him, which his guilt and shame (as was pretended) would not bear the thoughts of: But to confirm this deposition, you will hereafter hear others depose the same; in the mean time I desire you would compare this with that part of D. S.'s evidence, which declares, that nine days before the earl's death it was declared, that the duke had concluded and ordered his throat to be cut; *and his highness had promised to be there* when it was done. Now it would have looked more directly upon his highness, should he alone have gone into the Tower that morning; and, therefore, as a colour to that pretended reason for the self-murder, and a screen to his highness, his majesty must be persuaded to go down likewise; so that if any should say the earl was murdered, it should be esteemed a reflection upon his majesty, who was then in the Tower, as though his majesty had gone to the Tower that morning to murder the earl. Thus we find the matter managed by the lord chief justice and attorney-general at Mr Braddon's trial, almost throughout the trial.

L. I perceive then that you do not think Charles the Second had any hand in contriving this murder?

T. I do not, I assure you; but rather the contrary, upon very good reasons, which you will hereafter be satisfied in, for I shall mention them in their proper place. But I do verily believe that, some short time before the king's death, his majesty was persuaded the earl was murdered; and had his majesty lived six months longer, it's very probable you might long since have seen this detection.

L. I have some reason for the same belief: For I do well remember, about six months after the late king's death, I was credibly told this story; my Lord Chief Justice Jefferies not long after that king's death was at some public place, where he took an occasion to speak very largely in praise of his majesty, then lately deceased; and after he had made a very long harangue in his praise, his lordship turned about and whispered a gentleman in the ear, (whom he thought his confidant,) saying, "If the king had lived six months longer, we had been all hanged, notwithstanding what I have said."

T. The measure of his lordship's iniquity was not then full.

L. It seems not; but every man must believe his lordship's measure was very large, or otherwise the great quantity of innocent blood therein poured by his vile injustice, had long before his death made it run over.

G. I do very much wonder (admitting the earl was murdered, which I am now almost brought to the belief of) how it should thus become generally reported in so many places before his death.

L. This *almost* will shortly be an *altogether*, and you will in this be thoroughly persuaded of the truth of this barbarous murder; for I have reason to think much more will be said to prove it, because there are so many witnesses of which we have as yet had no account.

T. The reason of its being so generally reported before it was done, you will not so much admire at, if you consider all the circumstances of this action. This murder was not acted out of any private motive to some private end; it was not done for the satisfaction of personal revenge: No, this was a branch of that cursed arbitrary, and popish design against our civil and religious rights, at that time carried on with all the fury imaginable under colour of supporting the English monarchy and church of England, both which were then falsely said to be threatened with ruin by that party, of which that truly noble, but unfortunate lord, was marked out as one of the chief: I say this was done to remove a chief obstacle to that popish and arbitrary end the true enemies of both church and state were then carrying on; for you find it sworn by D. S. that several days before the earl's death, the papists cursed him as one who knew much of their designs, (which he could not be ignorant of observing, though with hatred, from those high posts he had been employed in) and was so very averse to their interest, that unless he was taken off, they should never carry them on. The carrying on their popish, arbitrary, and devilish design, you see, was by themselves assigned as the reason of this most perfidious and barbarous cruelty; so that this murder was a branch of their plot, and consequently might be supposed to be known to many; all which have not been men of the greatest secrecy; witness their reports of the fire of London so long before it came to pass; and their giving an account of Sir Edmondbury Godfrey's death in the country before we could be assured of the same in town, the body not being then found. Several the like instances might be given.

L. For my own part, I can wash my hands from the blood of any of those unfortunate gentlemen which suffered for endeavouring to oppose those arbitrary designs, which the charitable opinion most men had in the then court could not at that time believe to be true, but to our great danger and cost we have since seen them appear more bare-faced; and those very men who esteemed it damnable to draw the sword in

defence of our religious and civil rights, though never so grossly invaded, have since altered both their opinion and practice, and could now weep over the dust of those whose persons they esteemed not deserving of life. But, blessed be God, our common danger taught us to unite against the common enemy of all true religion and liberty, and to join as one man with that hand from heaven (our present sovereign) sent to rescue us from what threatened the destruction of whatsoever was dear to any of us. May God in mercy preserve us from these heats and animosities which being (by our common enemy) once thoroughly enkindled, may go nigh to end in the utter destruction of all that which of late hath been miraculously snatched out of the fire, instrumentally by that hand which some of us (ungrateful as we are!) by our actions seem, neither to thank as our benefactor, nor acknowledge as our sovereign, though he seems to have a double title to the crown, *Jure Divino*, (by that miraculous success God was pleased to crown him with,) and *Jure Humano*, by that election (in common gratitude) made by the states of the kingdom.

L. From all these reports, we may well conclude the earl's death was resolved upon by that bloody party which murdered him both in person and reputation, and the manner how, the place where, and the (forged) reason wherefore, agreed in. These bloody-minded men would (without doubt) from the same motives, and to carry on the same end, destroy as many more, were it once again as much within their power as it then was, only they would do it with this difference, that whereas therein they did act clandestinely, we must expect that hereafter they would do it in the face of the sun, and justify it. But from their cruel power and bloody malice, good Lord deliver us.

G. I desire not to detain you any longer on this particular, for I am herein well satisfied, and therefore pray proceed.

T. I am now come to the second general head, viz. what passed the day my lord died; you may observe it was denied by Bomeny, Munday, and Russel, the three that attended on my lord at the time of his death, the first as his servant, and the two others as his warders, that there was any man let into my lord's lodgings before my lord's death that morning my lord died; the like did John Lloyd (the sentinel that morning my lord died, at the door of Major Hawley's house, wherein my lord lodged.) I shall now prove that there were some ruffians let into my lord's lodgings a little before his death to murder my lord.

Pray read this information.

G. "S. S. linen-draper declareth, and is ready to depose, That the 21st of January last, this informant was at the Goat alehouse in the Minories, where John Lloyd, sentinel upon the late Earl of Essex at the time of his death, as this informant then was informed, was that day brought prisoner, being taken up as suspected privy to the death of the late Earl of Essex. This informant further saith, That he this informant discoursed the said Lloyd concerning the said earl's death, and the said Lloyd did for some short time often deny that he had let in any men into the Earl of Essex's lodgings that morning the earl died. This informant persuaded the said Lloyd to discharge his conscience to God and man, and tell what he knew with relation thereunto, lest, by his denial or silence, he should draw the guilt of that innocent blood upon himself; but the said Lloyd for sometime persisted in his denial, and whilst the said Lloyd was denying his letting in any men into my lord that morning my lord died, before his death, there was brought into the room one Major Webster (as this informant afterwards understood him to be,) then prisoner for the same matter. This informant did thereupon ask the said Lloyd whether he knew the said Webster, which the said Lloyd denied, and said, he never saw him before in his life; upon which this informant said, it was very much that the said Lloyd should not know or remember to have seen the said

Webster, who was his neighbour, and very notorious in the place where he lived. But the said Lloyd persisted for some short time in his denial of any knowledge of the said Webster; but soon after, the said Lloyd took this informant by the hand, and wringing this informant's hand, with tears in his eyes, spoke to this effect, "Master, I give you a thousand thanks for your good advice, and I do now remember, by special order of Major Hawley, I did let in two or three men (but to the best of my remembrance three) into my lord's lodgings that morning my lord died, and a very short time before his death; and that man (pointing to Webster) was one of the three men I did so let in;" upon which this informant told the said Lloyd, it was very strange he should pretend that Webster was one of the three men he had let into my lord's lodgings just before his death, when the said Lloyd had a little before pretended that he never saw the said Webster before that time. This informant further spoke to the said Lloyd to this effect, That as the said Lloyd was consenting to my lord's death, in case he did endeavour to stifle any truth which might tend to the discovery of my lord's murder, so would the said Lloyd be guilty of Webster's blood, if he should charge him in this particular with a lie; for what jury soever should believe that Webster was one of those let into my lord just before his death, (it having been by all denied that any were so let in,) would likewise believe that Webster was one of the ruffians that murdered his lordship; and therefore this informant advised the said Lloyd to be very careful in the matter: whereupon Lloyd replied, That he could be very positive in the man, and if he were even then to die, he could safely and truly charge him upon his oath with it. This informant further saith, That Lloyd did then further declare, That as soon as he had let in those men into my lord's lodgings, he did hear several (and he did suppose them to be those he so let in,) go up stairs into my lord's chamber, where there immediately ensued a very great noise and trampling, and thereupon somewhat thrown down like the fall of a man; not long after which, it was cried out that the Earl of Essex had cut his throat. Lloyd did further declare, That he did not remember that he saw those men go out of Major Hawley's house, but he did believe they might tarry some time in the house, till the crowd came in upon the discovery of my lord's death, and then went out with the crowd."

L. Did any others besides Mr S. hear this Lloyd thus confess the letting in these men?

T. Yes. Besides Lloyd before the justice confessed the letting in two men into my lord's lodgings a little before his death; as appears by the copy hereof.

The Examination of John Lloyd of Goodman's-yard, in Aldgate Parish without, in London, Cloth-worker, taken before John Robins, Esq. one of the Justices of Peace for the County of Middlesex, the 22d Day of January, Anno Domini 1689.

This examinant saith, on the day whereon the right honourable the late Earl of Essex was found dead, upon the suspicion of having been murdered in his lodgings in the Tower of London, he then being a soldier, was standing sentinel at the door of the said earl's lodgings, and had order to let nobody go up stairs to the said lodgings without leave from Major Hawley, or the warder then in waiting on the said earl; and that about half an hour after eight of the clock in the morning of the said day, two men (to this examinant unknown,) knocked at the hatch-door belonging to the said lodgings, and by permission of the said warder, entered the said lodgings, but when they came out, he can give no account; and that about nine o'clock he heard a struggling on the said morning, and a little time after, heard a crying, My lord is dead.

T. Read this likewise.

G. C. T. of the Minories, butcher, declareth, and is ready to depose, That after Lloyd

had lain about a month in Newgate, he did desire this informant (as he was informed,) to see him, who by permission of the honourable lords of this committee went accordingly; when this informant came to Lloyd, the said Lloyd spoke to this effect, viz. "Master, as you are my neighbour, so I hope you will be my friend and true to me," to which this informant declared he would be a friend to the said Lloyd as far as he could; whereupon the said Lloyd declared, that all the time he had been in Newgate, somewhat lay upon his conscience, and troubled him night and day, upon which this informant asked the said Lloyd what that was that was so troublesome to him, whereupon the said Lloyd, after often pressing this informant to be true to him, told this informant, that when he the said Lloyd was first prisoner at the Goat-alehouse in the Minories, he did confess somewhat to a gentleman, who was altogether a stranger to him, which confession troubled him. This informant then desired to know what that confession was which had been so troublesome to his mind; Lloyd hereupon renewing his request, that this informant would be true to him, said he was troubled in conscience night and day, because he had confessed to that strange gentleman the letting in those men into my lord's lodgings just before his death. This informant then told the said Lloyd, the like he had confessed to this informant and several others; and even before the justice of peace had owned it under his hand; but if it were false, he ought to retract it, and be sorry for having said it; upon which the said Lloyd declared it was indeed very true that he did let in those men, but it was what he should not have said.

L. "You say that *the sentinel pretends he remembers not when these ruffians came out of the house; but I have been informed that a servant maid (who then lived in the Tower)* came that morning into Leaden-hall market, and wrung her hands, and cried out, The Earl of Essex was murdered, the Earl of Essex was murdered; upon which the people gathering about her, advised her to silence, telling her she would bring herself into trouble by such expressions. The maid thereupon declared she was sure it was true, for she saw the men that murdered him just as they came down out of his chamber, and one of them almost pushed her all along."

G. Do you know who this maid is?

L. No, but I spoke with several that saw her the same morning in the market, and heard her declare as above related.

T. There hath been great diligence used to find out this maid, but neither of those who heard her knew her name.

L. I am sure it's the duty of those who knew her, (or of any other that could testify any thing material in this matter) to give information to the gentlemen by this honourable family engaged in this prosecution.

T. Mr Braddon, a little after my lord's murder, was informed of a person (if I mistake not, he was said to be a waterman) who likewise saw those ruffians as they came out of the house, just before my lord's death was known, and observed some blood upon one of their cloaths, but having been often searched in the King's Bench prison, and in a hurry forced to convey away his papers, he lost the name and place of abode of this man.

L. That's a great misfortune; but if this discourse comes to the hand of that person, or any that have heard him declare what is above related, or any thing else material in this matter, they are desired to send notice to Mr Braddon, from whom a letter being left at Richard's coffee-house nigh Temple-Bar, it will come safely and speedily to his hands.

T. It would be no little assistance to a farther discovery of this matter, (though I am sure every man that believes what is here related, as proved or ready to be attested, must be well satisfied in this murder,) if every man that is not in the least accessary to this murder would but be so ingenuous and free as to send Mr Braddon, and give him an account hereof. It's not desired that any should declare more than what is true, and

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what he would answer at the dreadful day of judgment; for whosoever doth in this case attest a lie, or what to him is such, endeavours to commit, by such his perjury, the worst sort of murder.

L. Did either of the warders, or my lord's servant, publickly confess the letting in those?

T. No, nor this soldier, before he was seized the 21st of January last.

L. Seeing then they did all deny that any men were let into my lord that morning, I can't but suppose these men so let in were let in to murder my lord; for had any persons been innocently let in, it might have been innocently confessed and owned, but being admitted into the house with this villainous and bloody design, those waiting on my lord thought it neither convenient nor safe to confess the letting in of any.

G. This Lloyd expressed himself very oddly to T. whom having often desired and enjoined to secrecy, to him pretending he was much troubled in conscience for what he had confessed, but nevertheless declared such his confession to be true, but it was what he should not have owned. This looks as though there were some cursed confederacy entered into for the suppression of truth.

L. I thought you would be brought over.

G. I were never so wedded to the belief of a fact through prejudice or misinformation, but upon a full and clear discovery of my mistake, did readily renounce my first belief, and cleave to the best information, or at least that which to me seemed the truest; and to deal plainly with you, I did not think so much could be said to prove what many industriously endeavour to persuade me was false. But there comes even now into my mind, an objection against this Lloyd's confession, which will, I think, destroy its credit with all men. If I mistake not, you told me this Lloyd at Mr Braddon's trial upon oath denied the letting in any men before my lord's death?

T. 'Tis very true.

G. How then can any man give credit to this confession, which is a point-blank contradiction to his former oath? Nay, if Lloyd upon oath asserted what before he had forsworn, I could not barely upon the credit of his oath believe it.

T. Barely upon the credit of Lloyd I should hardly believe any thing; only consider that the confession of every man, though ten times perjured, is to be admitted against himself. But further, pray reflect on the circumstances of Lloyd's first oath, and you will find in several respects he stood prejudiced, so that his first oath could not be of equal credit with his now confession. For admitting my lord was murdered by those men so let in, either Lloyd was privy to the murder, or he was not; if he were privy, then he swore to save himself; if he was not privy to the designed murder, or knew any thing of it, till after the fact was done, then could he not but expect, that the same principles, backed with the same power which murdered my lord, would have likewise destroyed him, should he have declared what he knew in the matter; therefore the fear of being hanged in the one case, and the danger of a stab or the like in the other, were powerful arguments with this sentinel. I do grant no man (upon any consideration whatsoever,) ought to be influenced to perjury, but yet I desire never to fall under so strong temptations. You can't therefore but confess this sentinel at the time of Mr Braddon's trial was under a strong prejudice to deny what he might in this case know, and that for the reasons before alledged; wherefore compare the circumstances of his confession with what he afterwards declared, under a great injunction of secrecy; viz. That he was troubled night and day, he had confessed the letting in these men, for though it was indeed true, he should not have confessed. Consider, truth becomes not a lie by being denied, (though upon oath,) nor a lie a truth by being sworn. Wherefore, all circumstances considered, you have much stronger reasons to believe Lloyd's now confession than his former oath. But that there were some

men let into my lord, and were bustling with his lordship just before his death, appears more clearly from this information following, which I desire you to read.

G. "M. B. declareth, That a little before the death of the late Earl of Essex was discovered, this informant was walking up before the earl's chamber window, and hearing a very great trampling and bustle in my lord's chamber, this informant stood still, and looking to the window of the said chamber, saw three or four heads move close together, and heard one in the chamber, which seemed to be one in this bustle, cry out very loud and very dolefully, murder, murder, murder; this informant, not then knowing it to be my lord's lodging, nor thinking any other of this cry, than what might be occasioned by some accidental quarrel, walked up towards the chapel, but not out of sight of the lodgings; and about a quarter of an hour after (or less,) it was first cried out in the house, that the Earl of Essex had cut his throat, upon which this informant went down to the house, and being shewed the chamber where the earl lay, she found that was the chamber where she saw the men, and heard the bustle, and murder thrice cried out as before related. This informant further saith, That some few days after this, telling Mr P. and his wife, (whom she then kept in her lying-in) of what she had seen and heard as before declared, the said Mr P. advised her not to speak of it, for her divulging it, in all probability, would prove her ruin."

L. Is this woman sworn?

T. Yes, and, as she hath informed me, deposed the same.

G. But what has become of this Mr P.?

T. His information is ready, which you may read.

G. "A. P. declares, That within a week after the death of the late Earl of Essex, M. B. did give this informant and his wife the same account as above related by the said M. B. and this informant did then caution and advise the said M. B. not to reveal it, lest it should prove her ruin."

L. Is this Mr P. sworn?

T. Yes, as he hath informed me, and deposed the same.

T. This Mrs B. was very unwilling at first to declare in this matter what she knew to be true.

L. Why there was no danger in the discovery upon this revolution.

T. It's true; and it was not danger, but (what she thought her) interest that would have deterred her.

L. Interest! Is she a papist?

T. No, nevertheless she thought it not for her profit this murder should be discovered.

L. Certainly it's both the duty and interest of all true protestants that this murder should be fully detected; and I can't well foresee wherein it could be inconsistent with this woman's interest (if she were indeed a protestant,) that this barbarous cruelty should be laid open.

G. It may be she was afraid some friend or relation might be concerned.

T. That's very true; it was to save a relation, but not of blood or affinity, but a civil parent, the cruel father of us all, the late K. I mean. For the case stood thus: This Mrs B. had been nurse to some papists of quality, and others where that infamous Madam Midnight, Madam Wilks, had been midwife; and this Mrs Wilks had pretended a great kindness to this nurse, and had assured her she would get her into the court to be nurse to several persons of eminent quality, which this woman thought might be much for her advantage; and therefore, when Mr Braddon first spoke to her, and asked her whether she was in the Tower that morning the late Earl of Essex died, she answered (seemingly under some surprise and disorder,) Yes. Mr Braddon then desired to know what she either heard or saw with relation to that unfortunate lord's death;

she very shortly replied, Nothing; whereupon Mr Braddon (who before had discoursed Mr P.) told her either she was a liar or unjust; a liar, if she did not see and hear that which was material with relation to my lord's death, seeing she declared the contrary just after my lord's death to Mr P. and his wife; or very unjust, if what she had formerly declared were true, and would not now reveal it; she said she would have nothing to do with it, and so flings up stairs. But Mr Braddon being shortly after informed that this woman had declared it was against her interest this murder should be discovered and prosecuted, because it would be fixed upon King James, whose return and settlement she desired, for Madam Wilks had promised her as before declared; and therefore, seeing Mrs Wilks would have no interest in case this murder were discovered, and so she should lose a very great friend, she was resolved not to tell what she knew, nor would have any thing to do in the matter. Mr Braddon being thus informed, desired once more to see this nurse; when he saw her, he told her he did understand that there was somewhat which stood as a prejudice against her revealing what she knew, but he declared that he would move the honourable committee of lords, that she might be brought to the bar of the House of Lords and sworn, where she should either perjure herself in the concealing of what she knew, in doing whereof, she would not only be guilty of perjury (when sworn to discover the truth,) but to that perjury would add blood, (for which at the last day she must expect to answer,) for could she reveal any thing with relation to this murder, and stifled it, she by such her silence consented to the blood of my lord; and how clear soever she might escape the punishment of our law, she could not but expect she must answer it before Him who positively requires blood for blood, and that all governments should make diligent inquisition for the blood of the slain, or otherwise he would require that blood (thus buried through neglect) at the hands of such magistrates as were deficient in their inquiry, and more strictly would he one day reckon with those that could detect the murder, but refused to reveal it; for upon such more especially would the guilt lie, because the magistrate can make no discovery but by information; and therefore those that refused or neglected to give their information, would most certainly one day severely answer for such their silence. Such discourse as this Mr Braddon had with this woman before several others; after which Mr Braddon desired to know whether she would go voluntarily, or upon motion be brought to the house, for he was resolved she should be sworn. Hereupon she declared, seeing she must be sworn, she would rather go willingly than through such compulsion; and then went accordingly, after which she declared what you have before heard, whereas before she was sworn she would reveal nothing.

L. This is a great argument both of the truth of her evidence, and the integrity of the woman, who rather than sacrifice her conscience by perjury, would sacrifice (what she really believed to be) her interest.

T. Would no person in this case be guided by interest or affection, but all ingenuously reveal what they know, you would soon find that discovered which now lies buried in silence, but may sooner be detected than some imagine.

L. If it shall hereafter appear, that any person knows any thing material of this villainy, and hath not revealed it, he may be most justly esteemed consenting to this murder; and how far our law may extend in its punishment, there may be an occasion hereafter to try.

G. This evidence of M. B. doth very much agree with Lloyd's confession, for Lloyd declared, That upon the three men's going into my lord's room, there was immediately a very great noise, and this M. B. heard; but Lloyd declares nothing of murder cried out, which M. B. declared she heard. It's strange Lloyd should not hear it as well as the trampling, if indeed there was any murder cried out.

L. It is very probable that Lloyd did hear murder cried out; for it's hardly possible

to be otherwise, because it seems murder was cried out thrice very loud, and very dolefully; but should Lloyd have confessed that he let in these three men, and that upon their going into my lord's room he heard a very great trampling and bustle, and my lord cried out murder several times, as before deposed; by this he should have accused himself as privy to the murder; for seeing Lloyd did not immediately cry out to the next guard, so that these ruffians might be secured, and if possible the murder prevented, or at least these cut-throats taken, one of which he might easily have done. Nay, in all probability, these men would have soon desisted, had they heard the sentinel cry out. But Lloyd lets them go, and instead of a discovery, by perjury endeavours to conceal it; and therefore may well be supposed prepared to permit this execrable tragedy.

G. Permit! What could a sentinel do who is placed at his stand, but could not leave his post?

L. Two things are required of such sentinels; first, to see the prisoner be kept close, without any communication by word or papers thrown into his window; and, secondly, to preserve him from violence.

G. 'Tis very possible that this poor sentinel might know nothing of the matter till after the persons were let in, and then he perceived by their bustling with my lord, and his lordship's crying out murder, that they came with an intent to murder my lord; yet the power and authority that sent these two men, might tie both the tongue and the hands of this sentinel, from endeavouring either to prevent the action or secure the actors; that he thought it might cost his life to oppose with either. So that this poor ignorant soldier is as much to be pitied as blamed.

T. Had he made a full and ingenuous confession upon his being now seized, and given this reason for his silence, he had deserved great pity for falling under so great a temptation as the fear of death. But when instead of this ingenuity, which might be naturally expected from such innocence as you here represent this soldier under, you find the contrary; and instead of being so free as to tell the whole truth, he seemed much troubled that he had revealed any part, as appeared by that expression to T. when he declared, "That though it was indeed true what he had confessed, he should not have confessed it;" this, I say, is so far from arguing this soldier that man you would now seem to represent him, as it rather concludes him a confederate in the fact.

G. I must confess, his retracting what he had owned to be true, and declaring he was very sorry he had confessed it, though it was indeed true, seems to argue him not such a stranger to the fact as I could wish he were.

L. Have you any thing more as to this point, for I perceive we are very tedious to you?

T. Not in the least; but I rejoice in this occasion of giving you satisfaction in this matter. Here are some other informations, with relation to this point, which I desire you to read.

G. E. G. and S. H. declare, "That the day of the death of the late Earl of Essex, viz. the 13th of July, 1683, about eleven of the clock the same day, one R. in the hearing of these informants, did declare, That he was in the Tower that morning, where it was reported that the Earl of Essex had cut his throat; *but he was sure he was murdered, and that by the order of his royal highness;* for the said R. then declared, That he did observe his majesty and royal highness part a little from those that attended them, and discoursed (to the best of these informants' remembrance, the said R. declared it was) in French, concerning the prisoners then in the Tower, and his highness declared, That of all the prisoners then there, the Earl of Essex ought to be taken off; but his majesty said he was resolved to spare him for what his father had suffered; up-

on which his highness seemed very angry, and a little before the death of the said earl, his highness parted a little way from his majesty, and then two men were sent into the earl's lodgings to murder him, which having done, the same two men did again return to his highness. *This the said R. declared with great earnestness and passion, and protested he thought no man was safe which was against the popish interest, if once they began thus barefaced to cut throats.*"

T. R. proceeded farther, which you shall hear in its proper place.

G. How very improbable is it, that the king and duke should talk so loud concerning the Earl of Essex, as that a soldier should hear them? This seems to carry its own confutation.

T. If you consider it, I think there is very little, if any, improbability in this evidence; for you may observe that R. declared the king and duke stood a little way off from those who attended them, and they discoursed in French. Now there is not one common English soldier of a thousand that doth understand French, the odds was then so great that this soldier knew not what they said; therefore it's not so improbable as at first you may think it.

G. Can it be thought that the duke (admit he was so wicked as to be concerned in such a fact) would be so very foolish as to send the ruffians so that any people might see their mission and return?

T. Pray consider this murder in all its circumstances, and then tell me whether those bloody varlets had not all reason in the world to have all the security could be expected or desired; you well know that my Lord of Essex was deservedly very popular, and therefore a parliament that should have had the least information of this treacherous and bloody murder, would have prosecuted the matter with all the diligence and vigour that such a piece of barbarity deserved. Now should they, in such their inquisition, have detected those treacherous villains, these bloody men must have expected no mercy. And should the duke have employed them in his closet only, and they could not by any circumstance have given satisfaction that they were his hired journeymen, in this piece of great service, their evidence against him had not been the tenth part so credible as it would have been, could they have proved that they were sent by his highness towards the earl's lodgings just before his death, and soon after returned to his highness, before others knew that this cruel tragedy was finished. This circumstance, I say, would have so corroborated their evidence against their master, that none could in the least have doubted of the truth of their being so employed, that were once satisfied they were as before sent by, and returned to his highness. This then obliged his highness, under no less obligation than self-preservation, to screen those his faithful and ready servants from any prosecution, well knowing that his own interest (and indeed life) was wrapt up in theirs.

Wherefore I think this matter was very cunningly managed, (as to the security of these cut-throats from the hands of justice, either in their punishment or prosecution) and it could not possibly have been done with greater safety to the persons of those that did it.

L. What is become of this honest brave English soldier?

T. We have reason to believe he was taken off by way of prevention, as you will hear in its proper place.

L. I have heard of others that have fallen sacrifices to the damned secrecy of this villainous murder.

T. I shall immediately inform you of one; here is the information of two, much of the same with the former.

G. J. B. and his wife both declare, "That about one of the clock the very day the late Earl of Essex died in the Tower, one R. M. that morning (a soldier in the Tower)

came to these informants' house, and these informants desired the said M. to give them the best account he could how the Earl of Essex cut his own throat? to which the said M. (with much earnestness and passion) answered, that the said earl did not cut his own throat, but was barbarously murdered by two men sent for that purpose by his oy ahighness to the earl's lodgings just before his death."

T. What M. did further declare, and what was since his fate, you will hear in its proper order.

G. These four are but hear-say witnesses.

T. It is very true; but seeing we have great reason to believe that the addition of more blood was the occasion of the removal of these two, especially the latter, (as you will hereafter find) I think such informations ought not to be slighted, for after that rate, it's but taking off such as knew any thing with relation to a murder, and you are very secure from any discovery, though never so many upon oath give an account of what those men, (whose mouths have been by bloody men stopt from giving their own relation) have declared in the matter; these two soldiers related the same as to the sending the men into my lord's lodgings in two houses, as far distant as Duke's Place and Baldwin's Gardens, and I am verily persuaded that neither H. nor G. ever spoke to B. and his wife in their lives; for neither two remember to have seen or heard of the other informants.

L. Who could imagine that two soldiers should declare with such concern and earnestness, that which was so very dangerous to be spoken, if their love to truth, and their hatred of such a treacherous and bloody murder, had not even forced it from them, to the hazard of almost their lives by such their relation?

G. No man in particular ought to suffer upon hear-say evidence.

T. 'Tis true, no man ought to suffer barely upon a hear-say evidence; but such testimony hath been used to corroborate what else may be sworn, and of itself may (in some cases) be enough to give satisfaction in the general of the truth of a matter, and no further is it here used—But the next account of these two men's being sent, as before, by his highness, shall be from the first hand—Read this.

G. Mr P. E. declareth, "That he, this informant, was in the Tower that morning the late Earl of Essex died, and about a quarter of an hour before the said earl's death was discovered, this informant observed his highness to part a little way from his majesty, and then beckoned to two gentlemen to come to him, who came accordingly; and this informant did observe his highness to send them towards the earl's lodgings, and less than a quarter of an hour after, this informant did observe these very two men to return to his highness, and as they came they smiled, and (to the best of this informant's hearing and remembrance,) said, The business is done: upon which his highness seemed very well pleased, and immediately thereupon his highness went to his majesty; soon after which, news was brought to the king that the Earl of Essex had cut his throat."

L. This is no hear-say evidence, and compared with what the two poor unfortunate soldiers, the day of my lord's death (as before) related, I think is very material, and *ad hominem*.

G. I must confess, that expression, viz. *The business is done*, looks with an ill face, especially considering the glee with which it was spoken. Vile imps of hell, that shall rejoice in having done the most treacherous murder this age or nation ever heard of!

T. You find by D. S.'s evidence, "That after they had cut my lord's throat, they were extremely overjoyed, and one of them striking the master of the house upon the back with great joy, cried, The feat was done; and he could not but laugh to think how like a fool the Earl of Essex looked when they came to cut his throat."

L. These bloody villains are the greatest fools (morally speaking) for such horrid barbarous cruelties is the highest degree of moral folly; and how like fools and rogues

will such blood-suckers look, when they come to receive the reward due to such barbarity?

G. God's judgments commonly overtake (even in this life) that heinous and crying sin of murder, for which the penalty of blood was by him expressly required, in that ancient statute, wherein it was positively enacted, that, *Whosoever sheds man's blood, by man shall his blood be shed.* I believe the law in this case will be fully executed upon all concerned, or some eminent judgments inflicted, almost, if not altogether, as bad as the penalty.

T. May no character whatsoever be excused from some remarkable punishment or other!

L. Amen.

T. You did object against what was sworn to be said by M. and R. because they, viz. B. and his wife, and H. and G. were but hear-say evidence; but I desire you to reflect upon the many such testimonies produced to prove the high-strained plot in 1683. Nay, read but the evidence of Mr Blaithwait, (clerk of the council, in 1683,) in Mr Braddon's Trial, page 22; you will there find Mr Blaithwait, being sworn on the behalf of the king, against Mr Braddon, gives an account to the court what the young Edward's sister declared to the council-board, viz. *That Braddon compelled the boy to sign it,* (the paper the young Edward signed) this you find to be only hear-say evidence, and the author (the sister) then in court, but testified no such thing; therefore this hear-say evidence ought (if any ought) to have been *rejected;* and yet this hear-say evidence (though not confirmed by the author then upon oath) was not only admitted, but ordered to be printed in the trial in large capital letters; how much sooner ought the evidence of B. and his wife (as to what M. declared) and of H. and G. as to R.'s account, be particularly remarked, seeing M. and R. we cannot now produce in court, (as that author was, but especially the first) being presumed to be murdered, by way of prevention, by that bloody party that murdered my lord.

L. We have a maxim in our law, *That no man shall take an advantage of his own wrong;* but the papists will totally destroy this maxim; for by the murdering of those who know their offences, they totally suppress and destroy their evidences, and then will not admit of an account, though upon oath, of what these men so murdered (by way of prevention) declared, because it's but an hear-say evidence; certainly if there be any wrong, murder is such, and of all advantages, (by that wrong) the saving one's life is the greatest.

T. Lloyd, upon his first confession, could not be positive whether Major Hawley or Monday opened the house door to the ruffians.

G. It could not be Major Hawley, for you said he declared, That he went out of his own house at five in the morning, and returned not till after my lord's death; so that between five and past nine (till after my lord's death) Major Hawley was not in his house, and therefore could not open the door to those that went in a little before nine.

L. If Major Hawley did indeed let in those ruffians, I suppose you don't think he'll own it. And therefore Hawley may deny his being at home after five, till my lord was dead, to avoid being suspected to be the man that let them in.

T. Major Hawley's denial, in this case, is as true as his other denials, of which you will hereafter hear, to prove this denial false. It is positively sworn by N. "That he saw the said Major Hawley go into his house, as my Lord Russel was carrying to the Old Bailey. Now this was not above half an hour before the murder committed; and then whereas Hawley pretends he did not go nigh his own house after five of the clock in the morning till after my lord's death, it's contradicted by the positive oath of one, who swears, That he saw Major Hawley several times, a little before my lord's death, run up through that gate which is nigh, and leads to his house; and he would immediately come in haste down to the gate, and peep on both sides, as though he

would see the way clear; and because the warder let in but one man to the Tower, Hawley came running to him in great fury, chiding him for admitting that one.

L. Major Hawley's denial of what is so sworn, looks as though he had not been thus careful in keeping all clear, but for some design which was to be done with as great secrecy as the time and place would admit.

T. You may remember that Bo. Mo. and Ru. declared, That there was a razor delivered to my lord wherewith to pare his nails; which his lordship having done, he retired into his closet, and there cuts his throat; the closet door being afterwards opened, all these three (as they depose and declare) saw the body there lie in its blood, and the razor, as before, delivered to my lord to pare his nails, lying by him.

G. This is in short their relation; and how can you possibly disprove it, seeing there was none with my lord but these three? and therefore how can it be contradicted by any?

T. I will disprove this relation in every part.

First, I will convince you, that there was no razor delivered to my lord to pare his nails.

Secondly, That my lord did not lock himself into his closet, nor was there first found locked in, as is sworn by these men. And,

Thirdly, That the razor was not lying by the body when these three first saw the body dead.

G. I can't imagine how (in these particulars) you can falsify their relations.

T. I shall prove Bomeny's relation to be false by what Russel swears, and Russel's deposition forged by what Monday declared the day my lord died.

L. As soon as my lord was found dead, Bomeny, Monday, and Russel, ought to have been secured.

T. "It was so ordered by his majesty: for as soon as news of my lord's death was brought to King Charles the Second, then in the Tower, his majesty sent my Lord Allington, Sir C————, and Thomas Howard, Esq. to my lord's lodgings, with orders, That all who were attending upon my lord at the time of his death, should be secured and examined with relation thereunto. His majesty did further order, That all things should remain (as to the body) in the same circumstances it was first found, till the coroner's inquest had seen the body. Before Sir C———— had proceeded far in the examination of any about my lord's death, a gentleman came (as from his majesty) with orders, That Sir C———— immediately should go to the Old-Bailey, (where the Right Honourable the Lord Russel was then upon his trial) and give the attorney general notice of my lord's death: But Sir C———— (by the same gentleman) desired his majesty to permit him to finish the examinations (he was then upon) before he went; but the same gentleman came the second time, and declared, his majesty had expressly ordered Sir C———— to go forthwith, and leave the examinations to such others as were there, (which Sir C———— accordingly did.) Sir C———— further saith, That he remembers not who this gentleman was, which thus twice came with orders from his majesty."

L. Forgot who this gentleman was! this seems somewhat strange, for within a week after my lord's death, Mr Braddon appeared publick in the search after it; and the very next week after my lord's death, he was before the council-board, and this caused the matter to be publickly discoursed; all the circumstances attending the action were used as arguments of this murder; not the least whereof was the malicious and extravagant application which the court at the Old-Bailey made against that honourable prisoner the Lord Russel, then upon his trial. Now Sir C———— having been that messenger that was sent with the news of my lord's death, immediately saw, and could not but well observe, with what industrious malice and injustice Sir George Jefferies, and the then attorney, applied that sad accident to the taking off that brave, but un-

fortunate person, whom they were then, by their strained constructions and misapplications, villainously haranguing out of his life. For this reason Sir C———— must immediately reflect upon his being the messenger of such sad tidings, and therein upon the person that brought the orders as from his majesty, for his sudden going to the Old Bailey; which reflection would have so imprinted this person in his memory, that Sir C————, was he not well known, would be thought to have had that happy faculty of retaining, or forgetting, at pleasure.

T. I thought no man could have forgot what he would; and that the more a man did endeavour to forget, the more fixed would the thing to be forgotten have remained in his mind But I now find my mistake, and I will likewise learn this art of forgetfulness, which in some cases may be of use.

G. Gentlemen, I know this gentleman of whom you speak, and am very sorry for his forgetfulness, which I am very well satisfied is real, for I do think him a man of honour, and consequently one that would not lie, much less upon oath declare his forgetfulness of what he remembered. It's very possible Sir C. upon reflection may call to mind that gentleman who brought those orders, and then, I dare say, he will, if after that called upon, freely discover him, seeing by his silence he would likewise by perjury conceal what might be of no small use in this detection.

L. By this messenger we should soon know whether his majesty's name was not used without his authority, for which there is no small reason.

T. For my part I am well satisfied the hand of treacherous Joab was in this message, and that the king's name in this, as in other things, was used by him, who not long after is thought to have removed both name and thing from him that then possessed them. But Bomeny, Monday, and Russel, should have been immediately separated upon the first discovery; and they should have been kept apart till the jury sat; and the jury ought to have examined these men apart, and neither to have known what other had said, seeing it was very natural to suppose, if my lord fell by treacherous and violent hands, these men could not be strangers to it; and therefore by their cross examinations apart, they might the more easily be detected of falsity; for seeing these men were to give a false relation of the matter, (to hinder the discovery of the truth) their separate examinations might the more easily have detected the story, it being very difficult for three men (upon separate and cross examinations) so to agree, as to time, place, person, manner, &c. of an action as not to be detected; truth is still the same, but lies are almost infinite. Did not the jury observe this method?

T. No; these men were suffered to come together that morning they were examined, and, for ought I can hear, each heard what other said: Nay, which is more, after Bomeny had been upon oath examined by the coroner, and given this information following, taken in the coroner's own hand.

The Information of Paul Bomeny, &c.

Saith, "That the Earl of Essex, on the 11th instant, did speak to this informant to bring him a penknife to pare his nails, but this informant could not then get one; the Earl of Essex called to him again on Friday the 13th instant, about eight of the clock in the forenoon, did again speak to this informant to bring him a penknife to pare his nails; but this deponent telling him that he had not one, his lord commanded him to bring him a razor, which he accordingly did, and then his lordship walked up and down the room scraping his nails with it, and this informant then left him, and coming about half an hour afterwards up into the bed-chamber, found his closet-door fast, whereupon this informant knocked at the door, and called, My lord, my lord, but he not answering, pushed the door a little open, where he did see his lord lying all at length on the

ground in his blood, with the razor near him on the ground. And further deposeth, That he hath not any papers of his lord's, nor doth know where any of his papers or writings are; and also, that on Thursday night last was very merry at supper, and did not seem to be discontented the next morning."

This information is verbatim as the coroner took it from Bomeny's own mouth.

The coroner proceeding to ask further questions, Bomeny began to hesitate extremely.

L. Truth to all questions had been ready at hand; but lies were first to be forged before they could be given in answer.

T. You are in the right: But to proceed. Upon this hesitation, Bomeny desired he might write his own information.

G. I suppose the coroner and jury were not so indiscreet as to suffer this?

T. Indeed they did, and I am very charitably inclined to believe favourably of both coroner and jury, as to their honesty, though they themselves can't justify their indiscretion when they gave Bomeny this liberty, there being not a convenient place for to write his information where the jury were sitting, he retired into another room.

L. To his instructors (I suppose) that were to be assisting to him in contriving, or rather remembering him of that story which they thought might most easily deceive: Gross folly of both coroner and jury!

T. Their folly in this themselves condemn, but any ill design in either I believe not. When he had been about an hour wanting, he brings into the coroner and jury this following information, viz.

The Information of Paul Bomeny, &c.

Saith, "That when my lord came to Captain Hawley, that was the 11th of July, 1683, my Lord of Essex asked him for a penknife to pare his nails with, as he was wont to do; to which this informant answered, being come in haste, he had not brought it, but he would send for one, and accordingly sent the footman with a note for several things for my lord, among which the penknife was inserted, and the footman went and gave the bill to my lord's steward, who sent him the provision, but not the penknife, and he told the footman he would get one the next day: when the footman was come, my lord asked if the penknife was come? this informant answered, No, but he should have it the next day, and accordingly he on the 12th instant in the morning, before my Lord of Essex was up, this informant sent the footman home with a note to the steward, in which, among other things, he asked for a penknife for my lord, and when the footman was gone, about, or a little after eight o'clock, my lord sent one Mr Russel his warder to this informant, who came, and then he asked him if the penknife was come? this informant said, No, my lord, but I shall have it by and by; to which my lord said he should bring him one of his razors, it would do as well; and then this informant went and fetched one and gave it my lord, who then went to pare his nails; and then this informant went out of the room in the passage by the door, and began to talk with the warder, and a little while after he went down stairs, and soon after came the footman with the penknife, which this informant put upon his bed, and thought my lord had no more need of it, because he thought he had pared his nails; and then this informant came to my lord's chamber (about eight or nine in the forenoon on Friday the 13th instant) with a little note from the steward, where there were three lines writ; but not finding his lord in the chamber, went to the close-stool closet-door, and found it shut, and he thinking his lord was busy there, went down and staid a little and came up again, thinking his lord had been come out of the closet, and finding him

not in the chamber, he knocked at the door with his finger thrice, and said, My lord, but nobody answering, he took up the hanging and looked through the chink, and saw blood, and part of the razor, whereupon he called the warder Russel, and went down to call for help; and the said Russel pushed the door open; there they saw my Lord of Essex all along the floor without a perriwig, and all full of blood and the razor by him. And this deponent further deposeth, That the razor now shewed unto him at the time of his examination, is the same razor which he did bring unto my lord, and did lie on the ground in the closet by my lord."

You find some of Bomeny's printed informations writ in large capital letters, and likewise some of this so writ.

L. I perceive it.

T. The first was inserted by my Lord Sunderland's order, the then secretary of state, or some under him. And the third omitted, for it was in the original, which you have just now read; and the second was interlined by the coroner after Bomeny had, as before, brought this information to him: what the coroner interlined was, as himself saith, with Bomeny's consent, and truly I think very favourably of him.

G. I perceive that by comparing the relation printed by authority, that next Monday after my lord's death, with what you here declare to be the original, it materially differs, for they added to it, and took from it as they pleased; so that this is (in strictness speaking) a forged information that was printed.

L. As in a deed or bond the adding to, or taking from either, in construction of law, is forging the whole, so in an information, once signed and sworn to, nothing can be added to it, or diminished from it, without being in law a forger of the whole.

G. What reason had the secretary of state to print Bomeny's information different from the original?

T. My Lord Sunderland, or some under confidant, perceiving Bomeny had sworn the delivery of the razor, and what thereupon happened to be of the Thursday, the day before my lord's death, which was not only contrary to his instructions, but a point-blank contradiction to his confederate Russel, it was thought convenient, either by my Lord Sunderland, or such confidant under him, that these two informations should be reconciled in the print, how contradictory soever they were in the original (which could not be seen and compared with the print by any but the coroner, in whose custody they were) and therefore on Friday the 13th instant, was to be (by way of forgery) added to Bomeny's informations, but this done (as hath been observed by an ingenious author on this occasion) without the least congruity either to sense or grammar; for nothing can be more apparent than that the foregoing part of the information relates wholly to Thursday; but at last, without any regard to what Bomeny had before sworn, on Friday the 13th instant is foisted in, contrary to all rules of grammar, and common measures of sense as well as justice, which justly esteems this printed information forged. This forged reconciliation is done with the greatest incongruity and absurdness as well as falseness imaginable; and I know not whether the folly of the suborner (for without doubt the suborner and reconciler in this case are the same, or of the same stamp) or the perjury of the subborned in this information be most conspicuous.

G. Sir, I now perceive what was the reason of this alteration (or rather forgery) in this information; but as you have often observed, God Almighty allots to the knave such an allay of the fool, that the fool hangs the knave up half way; and in this that observation is so notorious, that I never saw more of the fool in the knave in my life. Certainly this gentleman that villainously (in protection of the murder) thus turned reconciler, either did not understand sense himself, or else did believe none would read this information that did, &c.

T. Pray read these two papers.

G. J. W. painter, saith, That the very day the Earl of Essex died, he went with one (George Jones, since dead) to the Tower, to discourse Nathaniel Monday concerning the death of the said earl; and when they came to the Tower, meeting with the said Monday, he gave them this account: That as soon as the gentleman jailor had opened my lord's chamber-door, that very morning, he the said Monday (by order) went in to my lord's chamber, and tarried there, because their orders were, that one of the warders should be in his lordship's chamber, and the other at the stairs foot. And that they had this farther order, not to suffer his lordship to have a knife, or any thing like it, but whilst he used it in cutting his meat; and that being done, all knives and such like were to be taken from him; to which his lordship answered, He should take nothing ill in them in observing their orders. This informant further saith, That the said Monday did then declare, That he tarried with my lord in his chamber two hours, or better, that very morning, and that whilst he was with my lord in his chamber, he did observe his lordship pared his nails with the heel of a razor. This informant further saith, That the said Monday did further declare, Before he left his lordship, and went down stairs to stand below, he called up Russel, his fellow-warder, to stand in the chamber; and as he went down stairs he lighted his pipe and sat at the stairs foot; but before he had half smoked his pipe, he heard it cried above stairs, that my lord had cut his throat. Hereupon he, the said Monday, ran up stairs, and pushed the closet door open, and there found my lord dead. This informant further saith, That the said Monday *did further declare*, That when he came up stairs, he asked Mr Bomeny and Russel where they were whilst my lord was in the closet; the said Bomeny answered, he was sitting upon the bed in my lord's chamber; and the said Russel declared, he stood at my lord's chamber-door, just without the door; whereupon he, the said Monday, (as the said Monday declared) checked the said Russel for not keeping in the chamber according to order. Richard Jordan declareth, That on the day Mr Braddon was tried, (upon the account of the late Earl of Essex) this informant heard Nath. Monday declare, That the very morning the late Earl of Essex died, as soon as the gentleman jailor opened the chamber-door, which was about seven of the clock, the said Monday first stood as warder above stairs upon the said earl; and at the first opening the door, did observe the said earl have a razor in his hand, paring or scraping his nails with it; and this the said Monday declared he saw a long time before Russel stood warder above stairs upon the said earl.

T. By these two informations you may perceive what Monday declared, My lord had this razor in his hand about seven o'clock in the morning, long before Russel came up stairs to stand warder upon my lord; and that my lord pared his nails with the heel of the razor.

G. I find it as you say.

L. Monday, I perceive, tells *W.* the very day my lord died, that the very same morning, about seven of the clock, Monday told my lord that they (his warders) had orders not to suffer his lordship to have a knife, or any thing like it, whilst he was cutting his meat; and that being done, the knife was to be taken from his lordship. This looks as though there were some jealousies that my lord would cut his throat, for otherwise why would they not suffer him to have a knife?

T. It looks more like either a suggestion of Monday's own invention, or a lesson taught him to make others believe that there was such a suspicion; for Monday now denies it.

I desire now to compare these three men's relations as to the time of delivery of the razor; by doing which, you will have reason to believe no razor at all was delivered to his lordship. For the clearer understanding hereof, I suppose Bomeny under examination with the jury, and answering according to what he hath sworn.

☞ *Jury.* Did you deliver this razor to my lord?

Bomeny. Yes.

Jury. When did you deliver this razor to my lord?

Bomeny. About eight of the clock that morning my lord died.

This according to what he first swore: but he then withdraws to write his own information, which point-blank contradicts this his oath in that particular, for he is then examined, and answereth as followeth.

Jury. Do you remember the very time that you delivered this razor to my lord?

Bomeny. Yes.

Jury. When did you deliver this razor to my lord?

☞ *Bomeny.* About eight of the clock on Thursday morning, being the day before my lord's death.

This, as you observe, he swears in the information himself writ, and brought to the coroner.

T. Bomeny then to withdraw, and let Russel answer to this particular.

Jury. Mr Russel, do you know when this razor was delivered to my lord?

Russel. Very well, for I saw it delivered to my lord by Bomeny.

Jury. When did you see this razor delivered?

Russel. Less than a quarter of an hour before we found my lord dead. I stood warder at my lord's door; and I heard *his lordship ask for his penknife* to pare his nails; and Bomeny said, it was not brought; upon which *my lord required a razor,* ☞ saying, it would do as well; and I saw Bomeny give my lord the razor, it being then about nine o'clock.

Jury. Who first stood as warder at my lord's chamber-door, or in my lord's chamber, yesterday morning, before my lord died; was it you or Monday?

Russel. Monday, upon my lord's chamber-door being opened, first stood at the door; and after he had been there as long as we use to stand, he called me up, and then went down and stood at the stairs foot, at the house door, where I did before stand.

Jury. Then this razor you saw delivered to my lord, after Monday went down stairs, and whilst you stood as warder at my lord's door?

Russel. It's very true, for I am sure I stood by Bomeny when he delivered the razor, and saw it delivered to my lord.

Jury. What distance of time do you say there might be from the time this razor was delivered to the time of my lord's death?

Russel. I am sure it could not be half an hour from the time of the delivery of the razor to the time we found my lord dead in the closet.

T. Russel withdraws, and Monday is examined.

Jury. Mr Monday, did you see my lord *have any razor* in his hand yesterday morning before his death?

Monday. Yes, I did.

Jury. What time was it when you saw my lord have the razor in his hand?

Monday. About seven of the clock, as soon as the gentleman jailor opened my lord's chamber-door; for I first stood warder above stairs, and as soon as the door was opened, I saw my lord have the razor in his hand, and observed him to pare his nails with it.

Jury. Was this before Russel came up to my lord's chamber-door to stand warder there?

Monday. Yes, almost two hours.

T. This is according to their own informations and relations. Now can you believe ☞ that this razor was delivered by Bomeny at eight of the clock Thursday morning, according to his second oath, and yet not delivered till eight of the clock Friday morn-

ing, according to Bomeny's first oath? And can you also believe that the razor was not delivered till about nine of the clock Friday morning, according to Russel's information, and at the same time give credit to Monday, who declared my lord had the razor by seven of the clock, two hours before Russel came up to stand warder at my lord's chamber-door?

L. These three are of equal credit, and consequently you have as much reason to believe Bomeny as Russel, and Monday deserves equal credit with either of the former; but all can't be credited, neither can Bomeny's contradictions be reconciled, or can one of these be thought true, without giving the lie to the other two; therefore, upon the whole matter, you can't reasonably believe there was any razor at all delivered.

G. I find all three in the main agree, that my lord had a razor delivered him to pare his nails, and their contradiction is only in point of time.

T. 'Tis true, it's a circumstantial contradiction in point of time, and the contradiction of the two elders in the history of Susanna was a circumstantial contradiction in point of place; for the first swore they took Susanna in adultery under a mastick tree, and the second under an holm tree: Both these agree in the main (as you call it) viz. that they found her in adultery; but by this contradiction as to the place where, Daniel convinced all then present that these two elders were perjured in their evidence (and consequently Susanna innocent of her charge,) and thereupon these two accusers justly suffered, what by perjury they would have unjustly caused to be inflicted upon the innocent. Did you ever hear any deny Daniel's wisdom in this detection, or arraign his justice in the punishment those two false accusers thereupon suffered?

G. I must confess, these contradictions look as though neither was true, for truth would have been the same to all.

T. Besides, you find all three agree in this, that my lord pared his nails with the razor, which appears to be false by this information, which I desire you to read.

G. John Kettlebeater, one of the jury upon the late Earl of Essex, sweareth, That the nails on the fingers and feet of the said earl were very long, and not scraped or pared as he could discern.

L. Being proved perjured in one part, believed in nothing.

T. Whereas it was sworn and declared by all, that my lord's body was locked into the closet, I will now suppose that Bomeny, Russel, and Monday, were to answer as to the opening this door, according to their former informations, and you will find their contradictions as to this as gross as the former.

Bomeny first appears.

Jury. Mr Bomeny, was my lord's body locked into the closet when he was first found dead?

Bomeny. Yes.

Jury. Who opened the door?

Bomeny. When I had knocked at the closet-door, my lord not answering, I did open the door, and there saw my lord lying along in his blood, and the razor by him, and I then called the warders.

This according to the first information, taken (as before) by the coroner.

About an hour after this the jury do again examine him as to this point, and he answering according to the information, which (as before) he writ in the room next the jury, and then you will find it as followeth.

Jury. Mr Bomeny, did you first open the closet-door upon my lord's body?

Bomeny. No, I did not, but Russel did; for after I had knocked at the door thrice, calling, My lord, my lord not answering, I took up the hangings, and peeping through a chink, I saw blood and part of the razor; whereupon I called the warder Russel—and the said Russel pushed the door open.

T. At Mr Braddon's trial, Bomeny being asked who did first open the door, upon oath answered, He knew not who opened the door.

L. Here Bomeny is twice against himself; first he swears that he himself opened this door before he called either of the warders; secondly, swears that he did not first open the door, but Russel pushed it open; and thirdly, deposed, that he knew not who opened the door.

T. I desire the other two, viz. Russel and Monday, may in this particular answer, and then compare them altogether.

Jury. Mr Russel, did you find the closet-door locked upon my lord's body?

Russel. Yes.

Jury. Who first opened this closet-door?

Russel. When Bomeny saw my lord's body through the chink, he cried out my lord was fallen down sick, whereupon I went to the closet-door and opened it, the key being on the outside.

T. Here Russel makes no difficulty in opening the door; but observe Monday's answer. Russel withdraws and Monday is called.

Jury. Mr Monday, where were you when my lord was first found dead?

Monday. I was standing at the foot of my lord's stairs, and hearing a great noise of my lord's death, I ran up stairs, and found Bomeny and Russel endeavouring to open the door, but the body being so close and strong against the door, neither could.

Jury. Who then opened the door?

Monday. I being much stronger than either of these two, put my shoulders against the door, and pushing with all my might, I broke it open.

L. Upon the whole matter, I find, first, Bomeny opened the door before he called either of the warders, according to Bomeny's first information taken (as before) by the coroner; and, secondly, that he did not open the door, for Russel opened it, according to Bomeny's second information (which himself writ) and Russel's deposition; and, thirdly, that neither Bomeny nor Russel could open the door, because the body lay so close against it, and so Monday broke it open: This according to Monday's account of the matter.

T. Which of these three do you believe?

G. Their contradictions being such, I can believe neither, but conclude this is a contrived story throughout, and yet so ill laid together, as I never saw a worse-made story in all my life.

L. So gross contradictions in so short a relation I never yet met with.

G. 'Tis very much they should so thwart each other had they agreed upon a story; and yet it's more improbable they should so differ, had they designed to reveal the truth; for the true relation of a fact is still the same, whereas false relations are almost infinite; but these three are the greatest fools I ever heard of, in not laying their story better together.

T. I have often heard a very ingenious gentleman say, that God, in mercy to mankind, allotted such an allay of the fool to every knave, that the fool hangs the knave up half way.

L. It's indeed a mercy that the knave and the fool go together; for were it not for the latter the former would do much more mischief.

G. It was a common saying of Sir H. B. that no man was known to be a knave but he that was a fool.

T. If you don't believe the closet-door was locked upon my lord, you can't believe this was sworn for any other end but to stifle the truth, and consequently to hinder the true discovery of the manner of my lord's death.

G. As I can't believe their relations true, so neither can I comprehend to what end

they should invent this story of the closet door's being locked upon my lord, seeing my lord might as well have been said to have cut his throat without locking the closet. What service could they propose by this part of their story of the closet-doors being locked upon the body?

T. The use they afterwards made of this, was the end they proposed by this their invention; they strongly argued to the truth of my lord's self-murder from this very circumstance; for they say, "Can it be thought possible that my lord should be murdered by others, when it was impossible that any should do it in the closet and come out of it, leaving the body so close against the door, which opened inward, and there was no other way but the door out of which they could come?" Had this relation therefore been true, it would have been as strong an argument of my lord's being a self-murderer, as the contrary (appearing by the many and gross contradictions before observed) is of his being treacherously murdered by others. But as a further argument of the closet-door's not being locked, I desire you to observe the closet, and how the body was first seen by such as were some of the first that went up into my lord's chamber after my lord's death was known. At the beginning of this book is the room and closet drawn, and how the body was first found; by this you may perceive how my lord's legs were lying on the threshold of the closet-door, and you find the closet-door could not (whilst the body lay thus, and it was not then pretended to be moved) be locked; this appears by what *William Turner* and *Samuel Peck* declare, as they have deposed before the lords.

Before any that came from the King saw the body.

William Turner and *Samuel Peek* declare, That these two informants were servants to the late Earl of Essex at the time of his death, and, bringing in some provisions into the Tower just upon the first discovery of my lord's death, of which as soon as they heard, these informants ran up stairs, and found my lord's legs lying upon the threshold of the closet-door.

G. I am now satisfied how they proposed to argue from it on their own side; but the edge of the argument (through their disagreement and contradictions in their evidence) hath been turned against them, and wounded them to the quick.

T. In the third and last place, I shall disprove that part of these three men's relations, which saith that the razor was locked into my lord's closet when he was first found dead. Those three have all deposed, or often declared, that the razor was found by my lord's body, locked into the closet, and all three denied that there was any bloody razor thrown out of my lord's chamber-window just before my lord's death was first discovered to those out of the house.

L. If the bloody razor was thrown out of the window before my lord's death was discovered, then it's most certain it could not be found locked in (with the body) in the closet upon the first discovery, as by these treacherous varlets is deposed.

Pray read these papers.

G. William Edwards, aged about eighteen years, declareth, "That being in the Tower that morning the late Earl of Essex died, and just before the discovery of his death, viz. about nine of the clock the same morning, as this informant was standing almost over against the Earl of Essex his chamber-window, he saw a bloody razor thrown out of the said earl's chamber-window, and fell just without the pales that stood before the door, which this informant was going to take up; but just as this informant came to take up the razor (which this informant found very bloody) there came a maid out of Major Hawley's house and took up the razor, and then ran in with it into Major Hawley's house immediately after discovering my lord's death."

Thomas Edwards, father to the said William Edwards, Sarah Edwards, and Ann Edwards, and Elizabeth Edwards, all declare, and are ready to depose, That the said Wil-

liam Edwards, the very morning of my lord's death, when he came home, did give the same account in substance to these informants.

G. Was not this William Edwards sworn at Mr Braddon's trial?

T. Yes.

G. If I mistake not, he did there upon oath deny it.

T. 'Tis very true.

G. How then can there be any credit given to what one swears in contradiction to what he hath before deposed, when upon oath he declared he saw no such razor, but it was a story that he invented to excuse his truanting?

T. I desire that you will consider when this story was first told by the boy, (viz.) about ten of the clock that morning my lord died. Now it was not then known it would be sworn that this razor lay by my lord's body, locked into the closet when the body was first found, as did appear the Monday after, when the coroner's inquisition and Bomeny's deposition were printed; and therefore there could not be any use made of this story, when first told, against the truth of my lord's (pretended) self-murder, for that was possible to be true, what was suggested in answer to this by a certain gentleman, who, as soon as he saw what Edwards declared, asked, What use could be made of it, and how this did appear to argue that my lord was murdered? for he further said, That it might be when Bomeny came and found that razor, which he had before delivered to my lord, proved the instrument of his death, he took it up, and with great indignation threw the razor out of the window, as we many times throw away what we have hurt ourselves with. To this it was answered, It appeared sworn before the coroner, that as soon as Bomeny saw my lord and part of the razor through a chink of the closet-door, he called out to Russel, that my lord was fallen down sick; so that there was a noise of this in the room before ever the closet-door was opened, and consequently before Bomeny could have any opportunity to take up the razor: Whereas it here appeared, by what Edwards said, that all things were very quiet in the house till the maid had taken up the razor, and the maid first discovered my lord's death; upon this the gentleman urged this no further, but what he herein declared was so ready at hand, as though he had before heard of the razor's being thrown out, and thought this the best salve for it. As for the pretence, that this lie was invented to excuse his truanting, this is very ridiculous; this boy, in very great earnestness, as soon as he returned from the Tower, told his mother and sisters, that the Earl of Essex had cut his throat, and thrown the razor out of the window; this argued his simplicity.

Now the material part of the story was then (generally believed to be) true, (viz.) that the earl had cut his throat, and that he should add the throwing out of the razor, when (as before observed) there could be no use thereof made towards the proof of my lord's murder, is such a suggestion as can't be supposed.

But as a clearer answer to this, I will now tell you how the boy came first to deny that he saw the razor thrown out; and, secondly, what made him forswear it.

As for the first; what occasioned the boy's first denial. When Mr Braddon went first to Mr Edwards' house, (which was Tuesday morning next after the earl's death) he asked Mr Edwards, whether his son had seen a bloody razor thrown out of my lord's chamber window, just before the discovery of my lord's death? Mr Edwards at first was surprised with the question, and wept, saying, He was undone if he should be turned out of his place in the custom-house; but being pressed to speak according to the truth, he did declare what you have before heard; the like did the mother and two of the sisters. Upon this Mr Braddon desired to see the boy, (for before this Mr Braddon never saw Mr Edwards or his son, or any of his family to his knowledge;) the father answered, He was gone to school; but if Mr Braddon would come in the afternoon, the

boy should be kept at home, and he might then discourse him, which Mr Braddon promised to do.

And accordingly about two of the clock in the afternoon went. When he came to Mr *Edwards*, he was told by the mother and sisters, that the boy had denied he ever saw any razor thrown out. Upon which Mr Braddon enquired, whether the boy had ever denied it before he (the said Mr Braddon) had been there that morning? To which it was answered, He had not. Whereupon Mr Braddon did further enquire, whether the boy voluntarily denied it, or what made him do it? Upon which the mother declared, That his eldest sister, (being afraid of the consequence of this story) as soon as the boy that day came from the school, ran to him in great fury, and in a threatening manner told him, that several people would be hanged for what he had said, and that he himself might be hanged likewise. Upon which the child came running to her, and cried out, The king would hang him; and immediately thereupon denied what he had before declared, and so often repeated, without any the least contradiction.

Hereupon Mr Braddon desired the boy might come into the parlour, where, before his relations and others present, he might discourse the boy. At first the child could not be persuaded, being afraid; but at last came into the room, where Mr Braddon, before six or seven then present, (none of which before that day he had, to his knowledge, ever seen,) before ever he did ask the boy whether what he had as before declared were true or false, spoke to the child to this effect, (viz.) *Mr Braddon.* Can you read? *William Edwards.* Yes. *Mr Braddon.* Did you ever read the 5th chapter of the *Acts* of the *Apostles*? *William Edwards.* Yes. Don't you there find that there were two struck dead upon the place for telling a lie. *W. Edwards.* Yes. *Mr Braddon.* God is still the same God of truth, and a God of the same power likewise; and he, knowing all things, knows better than you yourself whether what you declared were true or false. Wherefore, if it be indeed a lie, (notwithstanding you have so often declared it to be true,) now deny it, and never more own it, lest for your saying that which is false God execute the same judgment upon you, and immediately strike you dead: But if it be true, be neither afraid or ashamed to own it. Immediately hereupon the boy confessed it was true, and then declared as before related. Being asked what made him deny it, he answered, His elder sister threatened him, and said the king would hang him; which the sister then likewise confessed.

You have here a large account how this boy came first to deny it, and what was the reason thereof; and likewise upon what arguments he retracted his denial, and stood to his first confession; all which will be fully proved by many witnesses, when the matter comes under a judicial determination.

G. I am herein satisfied. But how came it to pass that the boy forswore it at Mr Braddon's trial?

T. That is the second thing to be answered. This boy was subpœnaed on the behalf of the king, as well as by Mr Braddon. And as William Edwards was going into Westminster-Hall, that morning Mr Braddon was tried, and before he was sworn, Major Hawley (at whose house my lord died) meets him, and in a threatning manner told him, "That if he had the management of him he would have him whipped once a fortnight, on Monday morning, for seven years together, for what he had said." This child not being then above thirteen years of age, was extremely frighted with this threat; and being so very young, was more sensible of the pain of such a punishment, than of the sacred obligation of an oath, and denied what was true to avoid what he feared he might otherwise have suffered.

L. It's very natural to suppose a child of his age might be frighted into a false oath, being of such years, as he can't well be supposed to have that notion of an oath which people of riper years may and ought to have. But this argues Major Hawley to be a very ill man thus to threaten the boy out of his evidence.

G. I have heard that this Major Hawley is a very honest man; sure he was ever heretofore esteemed very loyal.

T. I have reason to believe that his old loyalty, and somewhat else, hath run him into such service as argues him not of that character some would have him thought; and of my opinion you will be when you have heard what is said against him in this case.

But as a farther argument of this razor's being thrown out of my lord's chamber-window, pray read this information.

G. J. L. aged about eighteen years, declareth, "That as she was standing upon the ground almost over against the Earl of Essex's lodgings, that morning the earl died, and a little before the discovery of his death, she saw a bloody razor thrown out of my lord's chamber window, and just before the razor was thrown out she heard two shrieks."

T. That this girl discovered this to her aunt the very morning my lord died, proved by Mrs G. and others are ready to attest the same. At Mr Braddon's trial, the girl's aunt, and one Mr G. then a lodger in her aunt's house, deposed the same.

L. You have here three witnesses sworn, that this child related this story to her aunt as soon as she came from the Tower: Do you doubt the truth of what these three persons have sworn?

G. I am very well satisfied these three depose the truth; but it may be this boy might tell the girl what he saw, and so it is but one evidence.

T. It will be proved, as far as a negative can be proved, that this boy and girl never spoke to each other till some time after the earl's death; and the relations of the boy and girl were altogether strangers to each other, having never (to their remembrance) heard or seen one another, which might be well supposed, for their habitation was some distance from each other; Mr Edwards and his son and family living in Mark-Lane, the girl and her relations at St Katherines: besides, you may observe the girl stood upon the high ground over against the earl's chamber window, and the boy in the lower ground; where the girl stood she (being but short) could hardly see the ground where the razor fell; but she declared she saw the maid in the white hood come thereupon out of Major Hawley's house: which description agreed exactly with that description the boy gave of the maid.

L. Their evidence thus agreeing, can't well be doubted.

G. I have been informed this maid is now reputed of a loose charcter.

T. Admit it true, she could not be so thought when she was but just past twelve years of age, and it was then she first declared it, and six years since and more swore it; therefore her now character can't in common reason prejudice her then testimony given in her innocent childhood, and her now testimony is but a repetition of her former oath. Besides, had this fact been told by persons of never so great infamy (that did appear to be altogether strangers to each other) their agreement in their relations had given credit to their testimony, being first reported when (as is before observed) there could be no end proposed by telling this lie, seeing, when it was first declared, it appeared not in the least inconsistent with the (pretended) truth of my lord's self-murder, because this razor after the discovery, out of indignation, might have been thrown out of the window by some attending on my lord. Now had this been sworn the next day after my lord's death, which, at the time it was first told by this boy and girl, could not appear otherwise, then this story of the razor's being thrown out of my lord's chamber window had fallen to the ground, and no way useful to prove the murder; but this I have already more at large insisted upon.

L. It's an old and true proverb, Children and fools tell truth: the reason of this saying is, because children and fools, not being capable of that invention which such as are of

years and understanding may be supposed to have, speak without design the naked truth of the fact.

T. A farther argument of the truth of this, is the relation of R. and M. (the two soldiers before mentioned) both which, the very day of my lord's death, declared in this particular the same with the boy and girl, as appears by these informations following. Pray read them.

G. E. G. and S. H. further declare, "That about eleven of the clock, the very day my lord died, the aforesaid R. did further say, That my lord was murdered; but before his death was discovered to any out of the house, there was a bloody razor thrown out of my lord's chamber-window, and that a maid took it up, and carried it into my lord's lodgings."

J. B. and his wife do both further declare, "That the aforesaid R. M. the very day of my lord's death, did further say, That after my lord's murder, and before his death was known, there was a bloody razor thrown out of my lord's chamber window, which a little boy endeavoured to take up, but there came a maid out of Capt. Hawley's house and took it up, and run with it into Capt. Hawley's house, and then the maid was the first that discovered my lord's death."

L. These two witnesses agree with the boy, not only in the main (as you call it) but in several circumstances of the story, with the boy's relation: First, in the main, that there was a bloody razor thrown out of my lord's chamber-window before his death was known; secondly, Meake agrees with the boy, that the boy did endeavour to take up this razor, but was prevented by the maid, who forthwith carried it into Major Hawley's house; and, thirdly, that this maid was the first discovered my lord's death.

G. I must confess their agreement in their relations gives great credit to the truth of their testimony.

L. Was it ever yet known, that four persons, some very young, and others of riper years, and all strangers to one another, should give the same account of a fact in all its circumstances, and the fact not true?

T. For the farther confirmation of this truth, I shall prove (by three witnesses more) it was a general report in the Tower that morning my lord died, that the razor was (as before related) thrown out of my lord's chamber-window. Pray read these three papers.

G. I. S. declareth, "That this informant was a soldier in the Tower that very morning the late Earl of Essex died in the Tower; and about eight of the clock in the same morning, this informant was sent as one of the guards upon the honourable Lord Russel to the Old Bailey; and as this informant was returning to the Tower, (with several of this guard,) one in great haste from the Tower met him, and said the Earl of Essex had cut his throat, and thrown the razor out of the window. Upon which it was answered, The Earl of Essex had great courage, first to cut his throat, and then to throw the razor out of the window."

This informant further saith, "That after he came into the Tower, that very morning he heard it declared by several that there was a bloody razor thrown out of my lord's chamber-window before my lord's death was known."

R. G. declareth, "That he was a soldier in the Tower that very morning the late Earl of Essex died, and after the earl's death, this informant heard it discoursed (that very morning) in the Tower, that there was a bloody razor thrown out of my lord's chamber-window before my lord's death was known: and it was further said, That the razor was much broken and notched, which some then attributed to the fall out of the window, but others said it might be against the neck-bone."

L. Against the neck-bone! That's a pretty business indeed, that my lord should so

hack the neck-bone, as to break the razor, according to the description you have before given us of the razor.

T. So ridiculous as you make this, it was the very same that the surgeon the next day said to the jury, as you will anon find.

L. A surgeon, either knave or fool; a knave if he told them what he did not himself believe, and nevertheless endeavoured (when upon his oath to speak the truth) to impose upon the jury; and a fool if he did believe it: But pray read the third information.

G. R. B. declareth, "That he, this informant, was in the Tower that very morning the late Earl of Essex died; and immediately, upon the first discovery of my lord's death, this informant went to Major Hawley's, (where my lord then lay) and by the door of the said Major Hawley's house, this informant heard several then and there declare, That there was a bloody razor thrown out of my lord's chamber-window before my lord's death was known, some then and there asserting that they saw the razor so thrown out."

L. Who now can doubt this truth thus attested and confirmed?

T. But to put the matter beyond all colour of contradiction or doubt, read the farther testimony of Mr S. S.

G. S. S. farther saith, "That the very day Major Webster and Lloyd were taken up, viz. the 21st of January last, as suspected concerned in the death of the late Earl of Essex, this informant was in the Goat ale-house in the Minories, where the said Webster and Lloyd were then in the constable's custody, and this informant did then and there hear the said Webster declare, That he did nothing (with relation to my lord) but pull off his cravat, and took the razor up from the floor and threw it out of the window; upon which this informant asked the said Webster, What hurt the razor had done him, that he should throw it out of the window? to which the said Webster replied, That when he did it, he was under such a consternation as he knew not what he did. This informant farther saith, That upon this confession of the said Major Webster, Lloyd the sentinel, then sitting by this informant, did declare, That it was indeed true that the razor was thrown out, for it was thrown out of my lord's chamber-window, just over the said Lloyd's head, and the razor fell just without the pales. The said Lloyd did further say, That he did observe a little boy and the maid of the house to struggle for the razor; but the maid took it, and ran in with it into Major Hawley's house, soon after crying out, My Lord of Essex had cut his throat; and the said Lloyd declared, the said maid was the first discovered to him my lord's death."

T. As a confirmation of this, viz. that this maid was the first that discovered to the sentinel my lord's death, read this information.

G. J. N. declareth, "That he, this informant, went into the Tower that very morning the late Earl of Essex died; and just before the knowledge of my lord's death, this informant went to the sentinel that then stood at my lord's lodgings, and asked the said sentinel, how the Earl of Essex did? to which the said sentinel answered, Very well"—

T. Observe, the sentinel at this time pretended my lord was very well, and confessed not any knowledge of his death. But proceed.

G. "—Just as this informant had asked this question, and been thus answered, he did observe a maid run in great haste into Major Hawley's house; and as the maid was come to the stair-foot, and going up stairs, he did observe a tall black man, a warder, and another gentleman, come down stairs from my lord's chamber-wards, and neither of these two spoke one word of my lord's death, as this informant heard, who stood about six foot from the door; but the maid ran up in great haste, and immediately, in as great, came running down stairs wringing her hands, and crying out, My Lord of Essex had cut his throat, which discovery was the first this informant heard of my

lord's death, who stood (as before) very nigh Major Hawley's house. And this informant did observe the said maid to have a razor in her hand, either as she ran up stairs, or as she came running down as aforesaid.

L. I wish we could but know who this warder and another gentleman was that came down stairs as the maid ran up, for they could not be ignorant of what was done.

T. By description it must be Monday, for there was but two warders in the house at that time; and this description agrees not with the other; as for the other gentleman a short time may discover him.

G. This confession of Lloyd, as to the boy's endeavouring to take up the razor, but the maid's taking it up, and carrying it into the house, immediately upon which my lord's death was discovered, I find agrees with the boy's relation, and with what M. and R. declared the very day my lord died.

L. If you will not be convinced of the truth of a fact, attested by such positive and circumstantial relations, (agreeing in their several accounts, as to the material circumstances of the fact, as was before observed) and confirmed by two of the persons accused; the last whereof, in his relation, gave the same representation of the fact as was before related by so many; I say, if such evidence as this will not convince you in this particular, it argues you are under an invincible prejudice, which moral testimonies will not remove.

G. I can't but acknowledge myself in this particular satisfied as to the truth of this razor being so thrown out, as before deposed; but I am altogether to seek of the reason of this action, what should make these ruffians to throw it out.

L. You have the reason Webster himself assigned for doing it; for he was asked, What made him throw it out? he answered, He was under such a consternation that he knew not what he did.

T. You did before observe the situation of the room and closet, and how the chamber-window (out of which the razor was thrown) was about 17 foot distant from the closet where the body lay; therefore it's very probable, after this bloody ruffian had murdered my lord, and blooded the razor as the pretended instrument of his death, they having not finished the whole scene, and laid the razor by the body, as was intended; but this Webster, who threw it out, standing not far from the chamber-window, with the bloody razor in his hand, was surprised when a person came up stairs, (of whose coming he was not aware,) and under this consternation (as is natural to a surprise in such horrid villainies) threw the razor out of the window, but discovered nothing of my lord's death; and then the maid (who, it's possible, was the occasion of this surprise) went out and took it up; and as soon as she returned into the house discovered my lord's death, as you have before at large heard related.

G. This seems to be probable enough.

L. It may shortly prove more than probable.

G. What is become of this maid that carried up the razor?

T. She is under bail.

G. Doth she deny it?

T. Yes, and saith she went out of her master's house almost half an hour before my lord's death was known, and returned not until my lord's death was public, and several people in the house to see my lord: For she tells this story, "That about half an hour before my lord's death was known, my lord's footman came to her, and told her, the warder would not open the wicket to let in my lord's provisions that were brought; and therefore begged her to go to her master, (Mr Hawley, the gentleman-porter) to desire him to go to the warder that kept the gate, and order him to let in the provisions."

L. It's much the footman himself could not go to Major Hawley, for certainly the major (well knowing whose footman he was) would soon go and give orders to let in

the provisions upon the footman's request as his maid's, unless the maid had some collateral consideration (besides that of a servant) which might influence her master.

T. There was no need of either's going, as you will immediately hear. Upon this she declares, "She did accordingly go to her master, who thereupon ordered the warder to let in my lord's provisions; and as they, viz. my lord's footman, Will. Turner, and one Sam. Peck, and a porter, were bringing the provisions, a sentinel told them they were come too late; upon which this maid declares she was surprised, and asked Will. Turner what should be the meaning of that expression, *You are come too late*, for she did not understand it; whereto Turner answered, that he did suppose the sentinel believed those provisions to be my Lord Russel's, who being gone to his trial, this soldier might think he would never return again to the Tower, and so the provisions were brought too late: This (she declares) she then believed; but as soon as they came in sight of her master's house, they admired to see so great a crowd about the door, but were soon too well satisfied in the occasion, for it was just before discovered that my Lord of Essex had cut his throat."

G. This looks as a made story; for can it be thought that the warder would not let in my lord's provisions?

T. It is indeed a forged lie throughout; for William Turner, Samuel Peck, and the porter, do all three declare, that the maid was not with them whilst they were bringing in the provisions, neither did the warder that kept the gate in the least scruple the letting in my lord's provisions; this they all say they are ready to depose.

G. Then this maid is a confederate, for otherwise she would speak the truth.

T. Surely she that endeavours by such a false villainous invention to evade the truth, becomes consenting to my lord's murder, and at the last day shall answer it.

L. Nay, she may answer it before, if it be once plainly made appear that she did carry up the razor, and was the first that discovered my lord's death; for by what she then saw, and hath since heard sworn by those who attended on my lord, she could not but be well satisfied my lord was murdered, and endeavouring thus to stifle it by her false evasions—

T. To which, she saith, she did swear before the secretary of state.

L. That adds perjury to the first guilt. Without doubt, her endeavouring by perjury to conceal and stifle the most perfidious and barbarous murder our nation ever knew shall render her culpable in no small degree.

T. Just as the maid cried out, My lord had cut his throat, one Mr B. (then an ensign) ran into the house, and was the first man in my lord's chamber, after my lord's death was known, the blood then seeming almost reeking hot; this Mr B. declared, That as he ran in he did observe this maid (whose name he knew to be Alice) standing at her master's door wringing her hands and crying; and N. (who saw the maid run into her master's house and up stairs, and then heard her cry out, Murder, and likewise in her hand the razor) declares, that was the very maid which stood at the door when Mr B. went into the house.

L. By all circumstances this must be the maid; for had not this wench been some way concerned, she would never have invented this lie; for innocence flies not, nor needs a lie for its defence, but is always supported by truth; and innocence itself becomes justly suspected for guilt when it makes use of a false defence; the law and the natural reason of the thing presuming that every one will use the best, and consequently the truest defence in protection of his innocence. Pray proceed.

T. The circumstances of the razor in the top's being so broken, and the many other notches, as before appears by the razor, are natural self-evidence of the truth of the razor's being thrown out of the window; for my lord in cutting his throat could not so do it notwithstanding an old chirurgion to the jury declared otherwise; for the jury asking him, Whether my lord, in cutting his own throat, could so break and notch the

razor? the chirurgion answered, That it was possible for my lord to do it against his neck-bone, occasioned by the tremefaction of my lord's hand when the razor came to the neck-bone.

L. Certainly there was a tremefaction in the chirurgion's understanding or honesty, when upon oath he gave this answer, for I do suppose he was sworn.

T. He was so.———As a further argument against my lord's cutting his throat in the closet, the circumstances of the closet (as found when my lord was first found dead) appear in evidence. You may observe the closet is but three foot and one inch wide, and seven foot long in one side, and about five foot long in the other; now it's declared by those attending on my lord, that there was no blood against the wall a foot higher than the floor, nor any upon the close-stool, or any of the shelves of the closet; whereas had my lord cut his throat standing on the closet, the blood would have immediately gushed out of so large an orifice five foot at least, wherefore that part of the wall over against his throat must have been very bloody; but in this case there was none at all, and therefore it could not be done standing; neither did his lordship do it kneeling, for there was no blood as high as his throat, as in that posture would have then been; and that his lordship did it not lying along, appears from the position of the razor; for the wound beginning on the left side and ending on the right, the razor must have been on the right side of the body, whereas it lay about fourteen inches or more from the left.

G. All these self-evidences might have appeared to the jury upon their view; and it's very much they did not observe them.

T. What the jury did, and how they were managed, you shall soon hear. But I shall,

First, Take notice of the many irregularities with respect to the management of my lord's body, the chamber and closet after my lord's death.

Secondly, The false and malicious suggestions by Major Hawley to the jury, to hinder the discovery of the truth, and to influence them to the belief of my lord's self-murder: And,

Thirdly, The oppressions, threats, and severities, since used, to avoid a detection of this unparalleled bloody treachery.

First, The irregularities with relation to the body, room, and closet, after my lord's death, these were such as prevented the jury from making those observations you say were natural for them to observe; for the body was stripped and washed, and the clothes carried away, and likewise the chamber and the closet washed, before ever the jury saw the body; and when the jury the next day saw the body, my lord lay stripped and washed in the chamber, and covered with a sheet.

L. This was very irregular, and contrary to all practices, when a body is found dead, especially under the suspicion of self-murder, I say, under a bare suspicion; for seeing none could be examined in the matter to give any account how my lord became dead, but those immediately attending on my lord, and such being strongly to be suspected as privy to the murder, (if my lord were by others treacherously taken off) the body, and all things with relation to it, should have remained under the circumstances first found in, and the persons thus attending on my lord secured apart, in order to their examination; so that they might not instruct each other, and agree in a feigned story to avoid the discovery of their most perfidious villainy.

T. This had been indeed natural, and according to King Charles the Second's express order; but, contrary to both, the matter was managed according as you have heard declared.

The next day after my lord's death the jury met, and viewed the body at Major Hawley's house, under the circumstances before related, and then the jury were adjourned to a victualling house in the Tower to consider of their inquisition. When the

jury had the matter thus under examination, Mr Fisher (one of the jury) demanded a sight of the clothes; upon which the coroner was called into the next room, and returning in some heat, said, It was the body, and not the clothes, they were to sit upon; the body was there, and that was sufficient.

L. Who was it that called the coroner into the next room? and to whom did he there go? for it's probable this was what these gentlemen, (whoever they were) then in the next room, would not have enquired into so strictly; I desire to know their names.

T. The coroner protests he hath forgot who called him, or to whom he there went.

L. Forgot! I must confess I have heard of the art of memory, but never of the art of forgetfulness: as none are so deaf as those that will not hear, so none so forgetful as those that will not remember.

T. You are very sharp upon the coroner, of whom I have a more charitable opinion.

L. Your charity ought not to blind your judgment; can you believe this gentleman forgets what he hath had all the reason imaginable to remember? for seeing my lord's death was so soon after his death questioned, this must naturally put the coroner upon reflecting on what passed, which might argue either for or against the murder. I am sure these reflections would have naturally brought to, and imprinted in his mind this particular passage; but, peradventure, should the coroner true answer make to this point, and confess that such gentlemen in the next room advised him to check the jury for their too great inquisitiveness, this would have looked like making himself an accessory (*in foro conscientiæ* at least) after the fact; and therefore self-preservation makes him forget what otherwise he might well remember.

T. I must confess you have some reason on your side; but seeing the coroner is fair in his answers to other questions, and hath (by his ingenuity in discovering what we could not have otherwise known) been assisting to a detection, I do from such his fairness and readiness argue for his innocence.

L. He is fair, I find, in his answers to such questions as touch not himself, but when self lies at stake, he prevaricates.

G. It's very probable he may at present forget what hereafter may come into his mind; and I dare say he will be ingenuous in what he knows when his memory serves, for I have heard a very fair character of the gentleman.

L. When his memory doth serve (as you call it) I shall believe his forgetfulness to be real, but till then, pardon me if I think otherwise.

G. In the mean time forbear your censures.

T. From what circumstances of the clothes could the jury have had any sight into the matter?

T. Had the body lain in its first posture, the jury would have seen the print of a bloody foot on my lord's stocking, coming out of the closet, which would have argued, that some had before been with the body in the closet, though the contrary was then pretended by those three attending on my lord.

Secondly, they would have found my lord's cravat cut in three pieces, as the two women that stripped my lord have often declared, proved as followeth, (viz.)

Philip Johnson and Miriam Tovy have both deposed, That Mary Johnson (wife of the said Philip Johnson) hath often declared, That she helped to strip the body of the late Earl of Essex by the command of Major Hawley, at whose house my lord died; and that the neck of my lord's cravat was cut in three pieces.

T. W. Gentleman, saith, "That Alice Carter, the very night she was first seized, (as suspected privy to the murder of the late Earl of Essex) did declare, That she helped to strip the body of my Lord of Essex by the command of her master, Major Hawley, and that my lord's cravat was cut in three pieces."

G. It's very much my lord had not put off the cravat, or cut above it, had he done it himself.

T. Those that attended on my lord, say my lord had put off his perriwig, and laid it upon the shelf of the closet, that the hairs of the perriwig might not hinder the action.

L. Sure the neck of the cravat was a far greater impediment, and such as would have effectually hindered my lord from doing it with a razor, the pretended instrument of his death. This alone is a strong argument that my lord did not cut his own throat, as is sworn by those treacherous villains that attended on my lord; neither do I believe it was done at all by any razor, but with a more convenient instrument for that purpose.

G. Did you ever hear with what instrument it was done?

T. Yes, and who (besides any before named) is said to be one of the actors in this cursed tragedy; pray read this information.

G. The Information of R. D. of the Parish of St Mary, Somerset, London, Schoolmaster, taken before me, James Cardraw, Esq. Justice of the Peace for the County of Middlesex.

This informant saith, "That a little after the late Duke of Monmouth was routed in the west, one Mr *J. E.* (to the best of this informant's remembrance) told this informant, that it was almost universally whispered amongst the acquaintance of Mr John Holland, (formerly servant to the Earl of Sunderland) that the said Mr Holland had confessed to one Mr D. of his intimate acquaintance, (and afterward concerned with Holland in the robbery of Mr Gatford, for which both were condemned, and the said D. executed, but Holland pardoned,) that the said Holland was concerned in the murder of Arthur, late Earl of Essex, in which he was employed by the Earl of Sunderland upon this occasion, (viz.) The said Mr Holland one day waiting on my Lord Sunderland, his lordship seemed much disturbed with passion; upon which the said Holland told his lordship, that if his then coming to his lordship had so discomposed him, he would withdraw and wait on his lordship some more convenient time; whereupon my lord said, that he should tarry, for it was not with him (the said Holland) that he was angry, but with others; and that he was concerned to think, that of so many servants his lordship had made, and been so very kind to, he had not one he could trust, or would serve him (or words to that effect;) upon which the said Holland replied, He was then ready faithfully and punctually to observe his lordship's commands in any thing. My lord then discovered to the said Holland the designed murder of the said Earl of Essex, and would have the said Holland therein to be engaged; to which the said Holland readily consented; and that the said earl's throat was cut with a large knife, and not with a razor. And this informant was then further informed, that the said Holland had further declared to the said D. that some people were afterwards made away for blabbing what they knew concerning the said earl's death, and that the said D. had charged the said Mr Holland before several of their acquaintance, one day drinking together, with what the said Holland had confessed to him the said D. as aforesaid; and that he the said Holland, upon his being so charged, seemed much dejected, but could not deny it. This informant further maketh oath, That one D. P. about three years since, did give this informant almost the same account with relation to Holland and D. And the said D. P. did further tell this informant, that when the said Holland and D. were committed to Newgate for robbing Mr Gatford, the said D. P. went to see the said Holland in Newgate, to condole his condition; but the said Holland was very cheerful, and told him, the said D. P. he was secure of his life, and

likewise not to want money, as long as the Earl of Sunderland was living. The said D. P. did likewise then further tell this informant, that the said Holland (as soon as he was committed to Newgate for the aforesaid robbery) sent to my Lord Sunderland for some money, and that his lordship sent him, the said Holland, sixteen guineas. And this informant hath been told by several, that the said Lord Sunderland hath many times supplied the said Holland with money."

L. I doubt not but Holland was well rewarded for this eminent service, and my Lord Sunderland obliged to stand his friend under all exigencies.

T. Sometime after my lord's death, Holland drew in this Mr D. (a very ingenious young gentleman, but unfortunate in such his company) to be concerned in the robbery of one Mr Gatford, for which both were condemned. Holland of the two seemed far the greatest criminal, and therefore, according to the reason of the thing, had least hopes of life; but, contrarywise, he was very cheerful, and my Lord Sunderland extremely kind to him, beyond a common degree of favour, insomuch as Major Richardson, taking particular notice of his extraordinary kindness to this profligate fellow, told one of my lord's gentlemen, "That it was not for his lordship's honour to appear so much for one of the most villainous character imaginable." To which it was answered, That his lordship had a great kindness for Holland, upon the account of my Lord Spencer, to whom this Holland had formerly been a servant.

L. There was certainly some further reason.

T. His lordship's favour still continued to this Holland, who, afterwards being in prison, often writ to my lord for money, which was accordingly sent, and sometimes would procure the liberty to go to my Lord Sunderland and some others for money, of which the person, (viz.) one I. W. that went with him, taking particular notice, asked the said Holland, How it came to pass that he could go with that freedom and assurance to my Lord Sunderland and those others, and be so generously supplied with money at all times? To which Mr Holland made answer, Damn him, *he had* done that service for them that they durst not do otherwise.

L. Durst not do otherwise! a very becoming phrase for a man of his character to use with relation to a person of my lord's quality. This argues either some extraordinary secret service done for his lordship, the discovery whereof would tend highly to his prejudice, or else this Holland is a very impudent liar; but the first seems most probable, considering my lord's extraordinary kindness to Holland in Newgate, (as was before observed,) and his constant supplies upon all application.

T. I have been credibly informed by a gentleman that was once a fellow-prisoner in the King's Bench with Holland, that Holland did use to bring letters he writ to my Lord Sunderland, and desired this gentleman to direct them in French, pretending that if my lord saw his hand he would not open the letter.

L. I rather believe the direction was to cheat my lord's servant (who carried the letter from the messenger, or penny-post man) than to influence my lord to read it.

T. This looks most likely I must confess: this W. (once about three years since) saying to Holland, It was much whispered that my Lord of Essex did not cut his own throat, but was by others taken off, Holland said, Damn him, it was not a farthing matter if twenty such were taken off.

L. A very fine fellow for such service; he who declares, *It is not a farthing matter if twenty such were taken off*, (by which he meant murdered, for 'twas in answer to the same he spoke it) would not boggle much at the doing that villainous murder, especially considered that hereby he secured himself from punishment in his after-villainies.

T. I remember very well a gentleman told me that it was some years since discoursed in Wales, (of which country Holland is,) that Holland being asked how he escaped punishment for Mr Gatford's robbery, (before taken notice of,) he answered, with his

usual phrase, Damn him, they durst not take him off, for at the place of execution he would have discovered how my Lord of Essex came by his death; but the gentleman either really hath, or pretends to have, forgot who told him of it.

L. I find many men's memory in this case, *ad placitum*, to remember or forget as they think fit.

G. I have heard of a letter writ by Holland to the Earl of Feversham, (if I mistake not,) which letter was read in the House of Lords, and therein it was said that Mr Braddon would have suborned Holland to swear in this case; and, as I have heard, Mr Braddon offered a considerable reward to Mrs Holland, and a friend of Holland's, to prevail with Holland to come in and take upon him this villainous crime. This, if true, was a very foul practice.

T. Yea, if true, it had been villainous, and had deserved (before God) as great punishment as the murderers themselves; for as in the old law, (Deut. xix. 16, &c.) "If any false witness rise up against his neighbour, the person forsworn (when detected to be so) was to receive the same punishment the man accused should have undergone, in case the charge had been true; whether tooth for tooth, or life for life," &c. This law hath an innate universal reason, and it were not amiss if the same were with us enacted. Now as the witness himself doth deserve this punishment, the like (*in foro conscientiæ*) doth the suborner: for if in our law he that hireth another to poison, stab, or any other ways to murder a man, is justly esteemed accessory before the fact, and shall undergo the same capital punishment the principal shall suffer, so do I think it reasonable, that whosoever suborns a person to take away the life of any, is (before God) guilty of the murder of the person accused equally with him that commits the perjury; and both are indeed, according to the universal reason of the thing, guilty of a more heinous murder than he that cuts another's throat; seeing in this he corrupts justice, and by perjury makes justice (which by God is designed, and by man used, as a protection to the innocent) a means to destroy whom in its own nature it should acquit and protect. If that physician, who, to destroy his patient, maliciously poisons his physick, (designed by nature for the preservation of the natural man,) deserves the worst sort of death, because he becomes so vilely treacherous, how much more heinously criminal is he, who, by subornation or perjury, corrupts justice, which Heaven enacted, and mankind flies to for a security to the moral man. Wherefore with you I should concur in this particular, that Mr Braddon deserves the worst death could be contrived, were he guilty of this (indeed false and malicious) charge. But the truth of the case I can in great part attest, which is this, (viz.)—

Mr Braddon having some reason to believe Holland one of the ruffians, he did use all means possible for his apprehension, but he found that Holland lay very private, and, as he had reason to believe, designed to fly beyond seas, (as his own letter before mentioned declared;) hereupon Mr Braddon applied himself to some of Holland's acquaintance, and by them being brought to Mrs Holland, Mr Braddon told her that he had reason to believe her husband was concerned in this villainous murder, and herein he was confirmed by Mr Holland's absconding; for innocence desires a trial, but guilt still flies from justice. Mr Braddon then told her, that if her husband were really guilty of this fact, and would immediately surrender himself, ingenuously declaring how, by whom, and with whom, and for what hired to do this barbarous murder, her husband would have a general pardon, and both him and her provided for. But if her husband was innocent, (notwithstanding whatsoever was said to the contrary,) and should take upon him a crime (for any advantage whatsoever) of which he was not guilty, he did deserve to be hanged here, and damned hereafter, seeing by his perjury he would make justice an instrument of executing the worst of murders: but if he were indeed the man, and should surrender himself, and discover the whole matter, he must be sure to keep within the limits of truth; for should he be detected in the least perjury, no man

was more vigorously prosecuted, nor any more severely punished, than he (for such his perjury) must expect to suffer.

These were the arguments with which Mr Braddon would have suborned (as that letter calls it) Holland to a full discovery; and I do appeal to all the world, whether, admitting this to be true, (as it will be proved when occasion serves,) Mr Braddon deserves this villainous charge. For the truth of this I do (on Mr Braddon's behalf) appeal to the consciences of Mrs H., Mr P., and Mr S., with whom Mr Braddon several times treated in this affair.

G. If the case were as you have represented it, Mr Braddon did nothing herein but what was consistent with a good conscience, and for which he deserves not the least censure. If I mistake not, you said Holland did also go to others for a supply, as well as my Lord Sunderland. Pray who were these?

T. Pardon me, sir, if I name them not; you will hear of them in convenient time.

G. Sir, pardon the question, if the answer be a secret.

T. It is enough that I give you satisfaction in the general, and I desire not to be pressed to answer all particulars, for it may not be proper.

G. I desire to know nothing which may either prejudice you to reveal, or the thing itself by being revealed, but esteem it as a great favour you have been already so large and particular in the discourse, which hath given me great satisfaction, and will convince such as shall hear it from me.

L. A convert!

G. Sir, a convert to truth I rejoice in being, though at the same time it's not only mine, but every good man's duty to grieve for these ill men, who are any ways concerned in this villainy, especially considering to whom this looks related.

L. We see how it looks related *ad hominem* and *ad rem*, and we are very glad this author hath abdicated, and his design is frustrated. His highness hereby thought to have made one great step towards the accomplishment of what Heaven in mercy hath delivered us from; I think we can never for this be grateful enough either to God, the chief author, or to our sovereign, his instrument, and those right noble and truly worthy lords and gentlemen, that, to the hazard of persons and estates, embarked on this glorious design, which Heaven, to a miracle, blessed with such a sudden (and, as to the manner, without blood) unexpected success.

T. But to return to the jury from whence we digressed in pursuit of Holland, and the instrument of death.

And to the second particular, viz. Hawley's unfair practice with relation to the jury, to corrupt them into a belief of the (pretended) self-murder.

Mr Fisher did then further declare, That he had been informed my Lord of Essex was a very pious good gentleman. To which Bomeny answered, My lord was indeed a very pious good man: upon which Fisher replied, It was then very improbable he should be guilty of this the worst of actions.

Major Hawley perceiving that the jury were like to be influenced with my lord's true character, (for such indeed his lordship was as he was to Fisher represented,) and thereby made believe that my lord did not cut his own throat, (contrary to what Major Hawley may be reasonably presumed to desire they should find,) therefore, to remove this, and corrupt them into a belief of a lie, viz. the pretended self-murder, Hawley tells Fisher that it was his mistake in my lord that made him believe his lordship such a man; for all those that knew his lordship well, knew this of him, that it was a fixed principle in my lord that any man might cut his own throat, or otherwise dispose of his life, to avoid a dishonourable and infamous death, so that this action was not unlike his lordship, but according to his avowed and fixed principles. This false and malicious suggestion of Major Hawley (which the jury then did suppose to be true) did very easily incline them to believe that my lord had (pursuant to this principle) cut his own throat,

to avoid that dishonourable and infamous death which his circumstances seemed to threaten.

L. What is this Hawley? Could his condition pretend to any intimacy with his lordship, that he seemed so well to know my lord's principles in this matter?

T. Hawley now denies all, and protests to their lordships of this committee, that he was not nigh the jury in the victualling-house all the time of their inquisition, nor ever heard it said to be my lord's principle, that any man might cut his own throat to avoid an infamous death, till their lordships in this committee told him so.

L. Sure the major's memory must be very short, for there is hardly any man of conversation in town but must have often heard it so said, it being a general discourse immediately upon my lord's death that such was his lordship's principle.

G. This I have been very often credibly informed, and have heard it reported in all coffee-houses, and used as one, and not the least argument of my lord's having indeed cut his own throat. I do much wonder the major should pretend that he never heard of it, especially when he himself did suggest the same to the jury, and pressed it as an argument of my lord's self-murder: I do not well understand this.

T. Gentlemen, to me the reason of this is plain; for when Major Hawley found that such a suggestion was used as an argument of his guilt, to avoid this charge he doth not only deny his suggesting it, but, as a good reason, (had it been true,) that he could not, declared he never heard it by any said (before their lordships charged him with it) that such was my lord's principle.

L. Major Hawley's denying that he did suggest this to the jury, or ever heard it said to be my lord's principle, when the matter is positively sworn against him, naturally argues that this was a false, forged, and maliciously-invented story, by that bloody party, and Hawley the man by them pitched upon as the most proper person to corrupt the jury (the then proper legal judges of the manner of my lord's death) with this treacherous and villainous-contrived suggestion, so that the jury might be more easily inclined to believe my lord's self-murder upon evidence as inconsistent as false.

G. I do much admire Major Hawley should deny he was with the jury at the victualling-house, if he were indeed there, seeing his being with them there was no crime, and therefore needed no denial.

T. His bare being there needed neither denial or excuse; but, to avoid the charge of what he falsely and treacherously did whilst he was there, (which he could never excuse,) he thought best, in general, to deny that he was with the jury at all in the victualling-house.

G. But this was very foolish, because the major being so well known, (and it may be to all the jury,) his being there could not but be remembered by many of them.

T. Almost all the jury do remember him there, and likewise the coroner and surgeons can't but know he was there.

G. The major's denial therefore looks ill; for if he had been there upon any lawful or indifferent account, he might have lawfully and innocently justified the same, but his denial (when proved so very false) looks as though his charge were too true.

T. The jury had another reason to remember the major's being there with them at the victualling-house, for when some of the jury moved for the adjournment of their inquisition till some further time, and in the mean while notice to be given to my lord's honourable relations, that they might bring what evidence they thought good——

L. This had been proper, and it's very customary, for sometimes the jury do not bring in their inquisition in many days.

T. It had been both proper and practised in this case, had not Major Hawley prevented it.

G. How could the major hinder it?

T. Hawley enters a caveat by another villainous and false suggestion; for upon this

motion of the jury, Hawley, with great earnestness, assures the jury they could not adjourn their enquiry, but must immediately dispatch, because his majesty (Charles the Second) had sent an express for their inquisition, and would not rise from council (where he was then sitting) till their enquiry was brought him, wherefore they must make all haste possible. This the jury believing, they made more haste than good speed, and so, sooner than otherwise they would, finished their inquisition.

G. Doth Major Hawley remember this messenger sent by his majesty?

T. Hawley totally denies this likewise, and in answer saith, (as before,) That he was not nigh the jury at the victualling-house, and so could not thus hasten them.

L. Denies it! is it not sworn?

T. It is.

L. Certainly the denial of a criminal shall not balance the testimony of the accuser.

T. Especially when the person accusing is of a much clearer and better reputation (in all things considered) than ever the person accused can justly pretend to.

G. I am sorry for the major, whom I did ever think very loyal.

L. His old court-loyalty [obedience without reserve] qualified him as a fit instrument in this perfidious and villainous, though then court-loyal service. I remember that a popish captain about two years since declared, "He looked upon himself bound to obey (without reserve) his king in all commands, and swore his loyalty was such that he would cut his confessor's throat, when under confession, if his prince should so command him."

T. A thorough-paced loyalist, upon my word.

G. A loyalist! a loyalist for the devil.

L. Even such loyalty those men had which were employed in my Lord of Essex his last service.

G. I have been informed that Major Hawley hath declared, "He would go forty and forty miles bare-foot to discover this murder, if my lord were indeed murdered by others."

L. Verba credam cum facta videam: Shew me thy faith by thy works.

T. That this Hawley was a man who still thirsted for the blood of those brave true English champions that opposed the late court arbitrary designs, and could afford those honourable lords and truly worthy knights and gentlemen no better titles than *Rogues*, appears by what he declared the very day that a great number of honourable lords, (amongst which this unfortunate lord, I hear, was one,) and worthy knights, gentlemen, and citizens dined together at Mile-end-Green; for sometime that afternoon Hawley told Mr Bunch, then a warder, that above 200 rogues that very day dined together at Mile-end-Green, but he did wish that he had forty of the biggest of them there in the Tower, that they might be made the shorter by the head, for till then the land would never be at quiet.

L. What is become of this Major Hawley?

G. He is major of the Tower, and likewise is (as I think) gentleman-porter, his place worth some hundreds a year.

L. What! is he now intrusted in the Tower?

G. Yes, with almost (if not altogether) the greatest trust (next under the honourable governor) that is now in the Tower, and he is even my Lord Lucas's right-hand in the management of the Tower affairs.

L. Is this, which is here said to be sworn against Hawley, known to the Lord Lucas?

T. I believe not.

L. It were well his lordship were acquainted with it, for most certain (if what be sworn against him be true, which it's reasonable to believe) Hawley is very deep in this matter; and then we well know for what interest he must cordially act, though in appearance he seem otherwise.

T. The 21st of January last, when his wife (or some gentlewoman in his house when he was taken) heard of the major's being seized upon as suspected concerned in, or privy to this fact, she cried out, "God send us our good king again, for he will soon put an end to this matter."

L. And without doubt an end to those that enquired into it.

G. I must confess these false suggestions (for I can't believe them otherwise, seeing Major Hawley denies his being with the jury) reflect upon the major as too officious in this matter; and I fear this great officiousness of the major was in order to a very ill end; I can think no otherwise, and am heartily sorry for him, because I have heard many loyal men speak very well of him, and to me he hath appeared no otherwise.

T. Some men of our *late loyalty* will speak the better of him upon this very account, and that which would make him odious in the sight of honest men, in the esteem of these renders him the more acceptable; but as for these worthy gentlemen who have had good thoughts of this man, as soon as they find these things (and somewhat else) sworn against him, they must either believe him not innocent in this, or discredit the evidence; to do which would argue prejudice, when the accuser is of a clearer reputation than ever this gentleman can pretend to; and besides, in this stands *rectus in curia*, neither his person or estate depending upon the issue of this cause; nay, if he stand under any prejudice, it is, that my lord should still appear a self-murderer, because, should it prove otherwise, the coroner's inquest (of which this gentleman is one) must expect the lash of some men's tongues, though I do think them to blame in nothing but some indiscretion; for I am verily persuaded, that these gentlemen (for the most part at least) did not rejoice in that unfortunate accident, but did heartily wish they had received any information to find it otherwise than their evidence moved them to; but nothing of that appearing from any persons who came in to depose on my lord's behalf, and these gentlemen being obliged to go according to evidence, they are not so much to be blamed as pitied for being so hurried into their inquest.

L. I find you are an advocate both for the coroner and his jury: Think you they ought to be justified in all particulars?

T. It's one thing to justify, and another to mitigate; as I do not think them altogether excusable, so neither do I believe them so criminal as some would represent them; and as far as in justice I may, I think it my duty to clear them, and all men, from any aspersion.

L. You say the jury ought to have proceeded according to evidence: Ought they not under that notion to have comprehended the several irregularities in the total change of the circumstances of the body, room, and closet, from the state in which they were when the body was first found? Ought they not to have considered as evidence, the palpable and gross contradictions, (before at large observed,) between those attending on my lord, which argued the falsity of the evidence, and that, the truth of my lord's being murdered? And ought they not to have considered as evidence, the several cuts before observed to be in my lord's right-hand, which argued his resistance to put off the instrument of death? Ought they not to have considered as evidence, the gentlemen's tampering with the coroner in the next room (for I can believe these gentlemen there for no other purpose) and till the coroner's memory serves him to name these men, and their business with him, I shall not think the best of him; besides all which, they ought to have considered as evidence the circumstances of the razor, the (pretended) instrument of death, and compared the length of the razor with the depth of the wound, and they would not have found an inch difference. Now the razor, as appears by your description, being a French razor, and not having any tongue or spill, this razor, in the use by my lord, could be held by nothing but the very blade, and not less than two inches of that must be held in my lord's hand, to cut with that steadiness and strength the making this large and deep wound required; so that the jury would

then have found not above two inches without the hand to make a wound above three inches deep: this must have appeared such a mathematical impossibility, as would have been comprehended by all, and of itself had been sufficient to have proved the (pretended) self-murder a forgery. To all which, to clear the jury from all blame, let us add their not examining those three attending on my lord apart, but suffering them to know one another's examinations, so that they might agree in their story; and the better to help them herein, to permit my lord's servant when he began to falter in his relation (which alone gave suspicion enough that he was telling a lie, for truth would have readily occurred) to go into the next room (to his tutors without doubt) and write his own information; and yet after all, their relations were incoherent and contradictory. These your honest jurymen have in all this gone according to evidence, have they not? Do they deny that they observed these things? if they did not, it argues either their great simplicity, or somewhat much worse.

T. Some of these they do confess to have observed, but others they disown to have taken any notice of; in particular (they say) they remember not to have observed any cuts in my lord's right-hand.

L. They say they remember not! These gentlemen, I perceive, have likewise learned the art of forgetfulness, so that they will remember nothing which may seem to reflect upon their discretion or integrity; I would have some of these you have before mentioned set up a school to teach this art never before found out by any.

T. I have heard of one of these jurymen, who, being asked what cuts he did observe in my lord's right-hand, answered, Should he confess any, it would reflect upon them.

L. And therefore this gentleman was resolved to forget. To reflect upon them!—I perceive this gentleman doth not consider how his stifling (in not owning what he can't but remember) the truth makes him, *in foro conscientiæ*, accessory after the fact, to my lord's murder: for whosoever there is that knows any thing, which he believes in its discovery might tend to the detection of this most perfidious murder, and by his silence endeavours to stifle it, therein (before God) becomes consenting to that fact, as accessory to which at the last day he shall answer. Our law makes him accessory after the fact, that endeavours to conceal and convey any from justice, whom he knows guilty of such a villainy; and for such his crime he shall answer with the forfeiture of his life. Now the reason of this law I take to be this: because such an offender (endeavouring to defraud justice of its due, by protecting his life, which by his transgression became forfeited to the law) becomes consenting to the fact, and shall in his own life become subjected to that punishment the person by him so conveyed away would have suffered, when taken; nay, the crime becomes not excused by the person's being apprehended, after he is so concealed or conveyed away, but the person guilty hereof shall suffer the same capital punishment that is inflicted upon the principal.

T. I wish all men were such casuists as to understand this, and so good men as to put it in practice; for you would then soon hear of new evidence in this case.

L. A man needs not much casuistical learning to know so plain a case.

T. In all your heat, you do not consider those circumstances that might influence the jury, and deter them from doing what they ought in this case.

L. What can plead their excuse?

T. The great danger they had been under in finding my lord murdered by others, pleads for your and all men's charitable pity toward men under such a temptation.

L. Nothing ought to deter men from an inviolable observation of that maxim before mentioned, *fiat justitia, et ruat cælum.*

T. The observation of this is, I must confess, every man's duty; but we find the fear of death hath prevailed with the best of men to swerve from their duty to the highest degree. He of the disciples who (in all appearance had the best natural

courage, for he only wore the sword, and used it in the greatest dangers) had the highest degree of faith, was the first that explicitly owned our Saviour, and declared (when forewarned of his denial) that "though all men denied our Saviour, he would not; nay, though he were to die, he would stick close to his faith;" this very man once under all these advantages, in the midst of his presumption, was at last hectored out of his faith by a poor silly kitchen-maid, thrice denying the lord of life, though even then, before his face, and after his reflection upon his fault, and his weeping bitterly, he had not courage enough to appear, own, and suffer with his master, as before he declared he would do rather than deny him. Such instances as these should teach us all pity towards those that fail in their duty under the like temptations; and likewise those that stand should take care lest they fall. John 18. 10. Mat. 14. 29. Mat. 16. 16. Mat. 26. 55.

G. I have been often told by a merchant, who many years lived in Genoa, "That when some young noblemen (upon a small provocation) in the midst of the street, have murdered others, they have upon the spot immediately aloud declared, *That whosoever should say they did it, should not long remain their debtor.* By which the standers-by were given to understand, that whosoever should discover them to be the men, must expect to fall sacrifices to their revenge, or the revenge of their party; and they failed not to perform what was so threatened."

T. Little less in this case was done, as some have felt by woeful experience who, by their expressions in detestation of this murder, had exposed themselves to the malicious fury of those men, who never stuck to add blood to blood, to prevent a discovery of the first, and carry on their devilish interest.

And this brings me to the last general consideration, viz. the backwardness of the then government, and the many threats, great oppression, and barbarous cruelty that hath been used to prevent a discovery of those barbarous and bloody-minded men, with other particulars, which seem to argue my lord's being villainously murdered.

I shall first speak to the backwardness and oppression of the government in this case; and,

Secondly, To such particulars as may be used as arguments of this treacherous cruelty.

For the first, viz. the backwardness of the then government, and the many threats, great oppression, and barbarous cruelty that hath been used to prevent a discovery of these barbarous and bloody-minded men. When Mr Braddon went to the Earl of Sunderland, then secretary of state, the very next Thursday after the death of the late Earl of Essex, and carried with him the information of William Edwards and his mother, (ready writ, but not sworn) my Lord Sunderland seemed much surprised upon reading of them, (and indeed he had reason to be surprised, if he stands so related to the matter as he is now suspected to be;) and then, in some heat, asked Mr Braddon, Who bade him bring those things to him? To which it was answered, That Sir Henry Capel had desired it. Upon which my lord ordered Mr Braddon to come the next morning, and bring the parties concerned, saying, *If it were proper, he would take them.*

L. I can't but here observe that anger and heat you say my Lord Sunderland was in, when these informations were (as above) delivered, as though it had been a matter which did not *properly* belong to him, and therefore unless it were *proper*, he would not take them: the secretary is angry that he was troubled with the business, and yet the court of King's Bench, at Mr Braddon's trial, said, "That Mr Braddon had done well, if he had first gone to the secretary of state."

G. But Mr Braddon first tried several justices of the peace.

T. That did not then appear to the secretary of state; wherefore the secretary thought that an impertinency in Mr Braddon which the court of King's Bench called his duty.

L. If it *were proper* my Lord Sunderland would take them! Certainly the enquiry

after the murder is *proper* for the magistracy, and the murder of a person of so great quality, a state-prisoner in the state-prison, by virtue of a secretary of state's warrant, is *proper* for a secretary of state to inquire into, especially considering the relation that this murder might be supposed to bear towards persons not of the least quality, nor matters of the meanest consideration.

T. This holds good in the general, but there is never a general rule but hath an exception, and this fell as an exception under the general rule, for the quality of the guilty made this exception, when otherwise there had been none; and therefore that reason which you gave for the secretary's enquiry, viz. the relation of this murder to quality and matter of consequence, was the only argument that balked the enquiry.

L. Arguments! cursed be such arguments as are thus grounded upon nothing but devilish policy, and are altogether inconsistent with and repugnant to that moral and common justice which ought to rule over all quality and all matters whatsoever. Recommend me to that minister of state which ever rejects such arguments; and with courage and integrity inviolably observes that brave moral maxim, *fiat justitia, et ruat cœlum.*

T. May we be ever blessed with such a sovereign, and such ministers of state and judges under him.

L. Did my Lord Sunderland think it *proper* to take those depositions next morning?

T. You will soon hear how they were taken. The next morning Mr Braddon carried the young Edwards and his sister (who could testify the same with the mother, then sick in bed) to my Lord Sunderland's office. His lordship being then in council, Mr Mountstephens gave his lordship notice of Mr Braddon's coming, immediately upon which, Mr Atterbury, the messenger, was sent to take Mr Braddon into custody.

L. This, I suppose, was after the boy and his sister had been examined?

T. No, before either of these had been seen by my lord, or examined by any.

G. What colour of commitment was there, when nothing had been sworn, or so much as declared, against this gentleman?

L. He was committed, because the matter, all circumstances considered, declared, (almost *ex rei natura*) against one who (in this respect) was troubled with a *nolo me tangere*, which this gentleman would have had searched and lanced, a thing by no means to be injured. Pray proceed.

T. Mr Braddon was called in before the council, (before either the boy or his sister) and in some heat asked, What made him stir in that business?

L. I never before thought the discovery of a murder had been the disinterest of the crown, in whose behalf all criminals are prosecuted.

T. As there hath been heretofore a great difference between the church of Rome and the court of Rome, so have we lately seen the day when the crown and the crowned head have been diametrically opposite. The crown (the legal prerogative I mean) could do no wrong, but the head that wore it hath done a world of mischief. The judges did not obey the crown (the rightful sovereignty) when they illegally destroyed charters; nor were those vile varlets that suborned witnesses truly loyal; or those mercenary judges, council, and jury, who (in contradiction to their own consciences) seemed to believe those state-hired-hackney-thorough-paced-perjured caitiffs, who judicially murdered men: 'Twas not the crown, but he who possessed it, that dispensed with all law by an unjust usurped prerogative, the people's rights being ravished from them, and sold to James the Second by the corruption of that bench, who (as an honourable brave English-liberty-property martyr truly said) had before been scandals to the bar. It was not the crown, but the crowned head, that by an illegal arbitrary power (and not authority) sent those worthy brave true English spirits, the most reverend his grace, and the right reverend the other six bishops, to the Tower, for humbly offering their reasons for their non-compliance with what in consequence would

have levelled all fences to property, liberty, and life, neither of which (had that power in its largest extent been complied with) could we have possessed but by such a precarious right as a royal arbitrary *ipse dixit* at all times would have barred; and had not the crown (the uncorrupt regal authority) as truly stated by those learned counsels in this eminent trial, acquitted these ever-to-be-remembered pillars from any violation or reflection upon its just rights, the head that wore it would soon *gradatim* have robbed those noble courageous church and state confessors of their high characters, liberties, privileges, and immunities, whether ecclesiastical or civil, (for I believe an imprisoned bishop under conviction and judgment, and no bishop, is no farther distant than a king's prison and grave) and therein ingratefully ruined the chief of that church, which (through their too great charity for his person) had not only secured the crown to him in succession, (when others, whose charity blinded not their judgments, would have prudently foreclosed his title) but likewise, in 1685, fixed and settled it, when threatened with that storm which none but such (thus ungratefully requited) could have diverted. In this the common proverb was verified, *Periet quod facies ingrato:* Or, save a, &c.

L. What other reason did Mr Braddon give for his stirring, than his being employed by the family?

T. That was one reason that he proceeded, but it was not the reason which first engaged him; and therefore, in answer to this, Mr Braddon told that honourable board, that he was altogether unrelated to, and unobliged by that honourable family, so that there lay no more personal engagement in him first to move, than upon any man whatsoever, (who might meet with the same information.) He declared it was his love to truth and justice, that therein first moved him; and as he was a Christian, he thought himself bound in duty to do what he had done, and (through the grace of God) his duty therein he would do, though death stared him in the face every step he made.

L. May the like principle ever continue in him.

T. Mr Braddon then pulled out of his pocket the coroner's inquest, and the information of Paul Bomeny and Russel, (which you have before heard,) and told that honourable board, That there were such incoherencies, and indeed contradictions sworn before the coroner by these two, which endeavoured to prove the self-murder (they being attending on my lord at his death) that they seemed in such their contradictions to confirm what the boy's relation argued for, and thereupon made his observations upon some of those incoherencies you have before at large heard related.

G. What was said in answer to this?

T. As soon as Mr Braddon had made these observations, his royal highness called for the informations, which were accordingly delivered to him, and Mr Braddon expected his highness would have said somewhat in answer to what was so observed.

L. Truly I think his highness might be the least stranger to what these men had sworn; for from what I have heard, I do believe that the same power and interest that hired those perfidious villains to permit what was so barbarously executed, had likewise given them instructions what to swear, to give colour to the pretended self-murder, and therefore his highness might be the best prepared to answer all objections against these men's depositions. But I long to hear how his highness endeavoured to reconcile them.

T. His highness could not then turn reconciler, and therefore said nothing to this matter, but delivered them to his then majesty, who said as little; whereupon the then Lord Keeper North took those informations, and endeavoured to reconcile what was indeed irreconcileable: Whereupon Mr Braddon objected against his lordship's reconciliation, and urged the former objections further; upon which his lordship seemed (though not much by his words, yet by his very pale changed countenance) highly displeased with Mr Braddon for making those reflections.

L. What were these depositions printed for but to be observed? Did his lordship think that every man would swallow such gross contradictions as his lordship's corruption (against his judgment) would have reconciled?

T. After a long examination, too tedious here to repeat, Mr Braddon was ordered to withdraw; and then the young William Edwards was called in. The child (being then not thirteen years of age) was very much afraid (having, as before, been foolishly frighted by his eldest sister, as though the king would hang him) and cried; whereupon (as the sister hath reported) the child was stroked upon the head, and bid not to cry, and then asked, Whether he had not invented that lie to excuse his truanting that day?

L. A proper question, by way of instruction, for such a child to answer. I suppose the boy then answered as by this question he was in effect bid?

T. You are in the right, for the child to this question answered, Yes: The sister was examined, and she gave the same account you have before at large heard, as to what the boy had declared, and how Mr Braddon had discoursed them; and then Mr Braddon was the second time called in, and by the Lord Keeper North told, that he had instructed this boy in a lie, and would have suborned the child to swear it. To which Mr Braddon answered, It was impossible he could instruct him to say what the boy had declared several days before he had ever seen the boy or any of his relations, as appeared by what his sister and the boy himself must own.

L. Had not his lordship's honour and interest suborned his conscience in this matter, he would have dealt more fairly.

Mr Braddon then told his lordship, That being well satisfied in his innocence and integrity, he feared not any prosecution, but would readily give whatsoever bail his lordship should require; and accordingly that afternoon gave bonds with two friends in 2000*l.* a-piece for his appearance; and hereupon continued the prosecution with all vigour imaginable, for he was now obliged in self-justice to endeavour in what he could, to corroborate the boy's evidence, which my Lord Keeper North corruptly called a lie, and to which his lordship (without any ground) pretended that Mr Braddon would have suborned the boy to swear; for at the same time it appeared to his lordship, as far as negative could appear, that Mr Braddon had not given, offered, or promised to the boy, or any for him, or to any of his relations, one farthing or farthings-worth, but did as you have before at large heard, use such arguments as might most naturally influence the boy to truth: After Mr Braddon had been about a month hurried up and down in both town and country upon several enquiries, and all people
Mr Cras. (except one gentleman, who was ever ready to go with Mr Braddon upon all occasions) very unwilling in the least to concern themselves.

L. It is very natural for men to be deterred from engaging in that which was so roughly managed by the council-board, and threatened the ruin of him who first appeared; for few men are for living a state-confessor caged up within iron grates, or dying their country's martyr, but think themselves obliged to mind only their private affairs, leaving all affairs of state to those that have the command and steerage of this great vessel, (the government) lest by their intermeddling in those ticklish matters, themselves should have followed the unjust misfortune of those brave men, who courageously, though to their ruin, opposed themselves to the usurped prerogative and tyranny of the times.

T. Had all men been like those men of prudence (as they falsely term their cowardices) what would long since have become of this vessel, wherein all (with all we have) are embarked? The commander in chief, with most of the chief officers, had, by a corrupt perjured agreement amongst themselves, resolved upon the sale of both men and cargo to that corrupt and arbitrary will, which in a short time (if not providentially prevented) would have claimed all we are and have, as though we had held neither

property, liberty, or life, but as those corrupt judges did their places, *Durante bene placito regis.* But to return.

About the 16th of August, 1633, Mr Braddon rid down into Wiltshire to Marlborough, to enquire after a report before my lord's death, of my lord's cutting his throat. From Marlborough he was riding to Froom in Somersetshire, and at Bradford (about six miles short of Froom) he was stopt, (there being then strict watching and warding throughout that country) by a vile persecuting fellow, one Captain Beach an attorney, who was ever zealous for the ruin and destruction of those that stood firm to the true English interest, and yet now pretends to be zealous for his present majesty and government, (though he declared, when his majesty first landed, he did hope to see most of those hanged that went in to him) being here examined, and having given the justice satisfaction (a gentleman then there, knowing Mr Braddon, and assuring the justice he knew him to be the same man he declared he was) the justice was taken aside by Beach, and (as others declared who had heard this Beach) told, that he did not so strictly as he ought examine this gentleman, for the gentleman was certainly disaffected to the government, as might be seen by his wearing a band and cuffs.

L. A very strong argument, upon my word!

T. Hereupon the justice came to Mr Braddon, and told him he must search him; upon which Mr Braddon (before ever the justice saw his papers) ingenuously declared the cause of his being then in the country, where he was going, and upon what occasion; upon which the justice commits Mr Braddon to Wiltshire gaol, by such an illegal warrant (in its conclusion) as you never saw.

The warrant ran as followeth, viz.

"*Wilts, ss.* To the keeper of his majesty's gaol of Fisherton-Anger, in this county, or his sufficient deputy, these. I send you herewithal the body of Lawrence Braddon, apprehended in the town of Bradford, in the county aforesaid, this present two-and-twentieth day of August, taken upon suspicion of being a dangerous and ill-affected person to the government, and for refusing to give an account of his business in these parts, and for having letters of dangerous consequence about him. These are therefore in the king's majesty's name to will and require you, that upon sight hereof, you receive him the said Lawrence Braddon into your gaol, and him there safely keep, (not permitting him to have pen, ink, or paper, or person to converse or speak with him) until you shall receive further orders from his majesty and privy council: Hereof you are not to fail at your peril. Given under my hand and seal at Bradford, this 22d day of August aforesaid, *anno regni Caroli Secundi Angl. &c.* 35. *anno Dom.* 1683."

Mr Braddon told the justice, the warrant was illegal; for should the gaoler never hear from the king and council, he must be kept a perpetual prisoner: Warrants of commitment ought to conclude, *Till he be discharged by due course of law.* But the justice having Mr Beach and some attorneys of his own judgment, declared he would justify the warrant; and under this warrant Mr Braddon lay in Wiltshire gaol about a fortnight, and was then removed by *habeas corpus* upon the statute to be bailed. All the judges being out of town, he was (according to the statute) carried before my Lord Keeper North, then in council; when Mr Braddon was first brought before his lordship, my Lord Keeper smiled, (thinking he had got such a hank upon Mr Braddon and his friends as would ruin both,) and told Mr Braddon, notwithstanding self-respect might weigh but little, he thought that he would have had such just regard to his bail, as not to have ruined them by those things then to be laid to his charge. To which Mr Braddon answered, That the only thing required of his bail was his appearance the next term, which he should (God willing) do, and thereby indemnify his bail. No, replied my lord keeper, (smiling) the good behaviour in the mean time was likewise

required, and that hath been notoriously broken by this new offence. To which it was answered, That there was no good behaviour at all required; and for the truth thereof, Mr Braddon appealed to the bonds themselves, taken (as you have heard) before the secretary of state; upon search it appeared his lordship was in the wrong, upon which my Lord Keeper North seemed very angry with Secretary Jenkins, that the good behaviour was here omitted; but the secretary said it was the omission of his clerk, and it was, I believe, the only omission of that nature that had happened in those times; for the bonds then taken by the secretary of state, in their condition concluded, *And in the mean while to be of the good behaviour;* but in Mr Braddon's bond this clause was entirely left out.

L. Why could they make that a breach of the good behaviour, which a man was naturally bound to do for his defence?

T. Without doubt the then times would have made Mr Braddon's going into the country, &c. to be a breach of this clause, because they did at his trial charge him with it as a crime, and therefore most certainly would have adjudged it *contra bonos mores*, and so a forfeiture of the bonds. Mr Braddon desired my lord keeper, that such persons might be sent for out of the country, as had heard the report of my Lord of Essex having cut his throat, before his throat was indeed cut. Upon which an eminent lord then said, This is just as it was in the case of Sir Edmond-Bury Godfry. My lord keeper demanded of Mr Braddon bonds in 12,000*l.* himself, and his bail for his appearance, and other bonds (himself and sureties) in the like sum for his good behaviour; saying, He would have as good men bound as though he were to lend the money out of his pocket. These demands being so very unreasonable, Mr Braddon desired his lordship, that his lordship would be pleased to consider the statute upon which he came to be bailed, and that his lordship would (according to the statute) take such bail as the quality of the person and nature of the offence required. Mr Braddon did farther declare, That he was a younger brother, his father living, and his relations and friends almost two hundred miles from London. To which my lord keeper answered, That as the statute required, so he did consider his quality; for his crime was such, that, had he been an alderman of London, for every 6000*l.* he would have demanded 20,000*l.* so that his lordship would then have had 80,000*l.* bonds in bill and surety-ship, twice as much as ever was given for any nobleman in England for any offence whatsoever.

Marq. of H——x to the best of Mr Braddon's remembrance.

L. What was this heinous offence? Is the bringing murderers to justice a reflection on the government? Certainly the government's becoming a screen to such perfidious villainies, and thus prosecuting and punishing him that would have detected them, is a case without precedent, and so notorious a breach of the rules of all common justice, that I knew not a more impudent, barefaced, and villainous instance.

T. Mr Braddon not being able to comply with these high terms, was remanded by my lord keeper to Wiltshire gaol; but, before the next morning, advising with some lawyers, he was told the good behaviour could not be required, and that bail to answer the cause of the then commitment was all that could be demanded: Upon which the next morning Mr Braddon desired his keeper to carry him to my lord keeper's house in Great Queen-street, for he did hope his lordship would not continue to insist upon the good behaviour which the statute required not. Mr Braddon was accordingly carried, but the gaoler went first to his lordship, and informed my lord keeper upon what account he had brought Mr Braddon once more before his lordship; my lord then said, "he neither had or could demand the good behaviour;" and then sent for Mr Braddon, and declared as before: Whereupon Mr Braddon (perceiving his lordship in a better humour than the night before) desired his lordship to accept of such bail as he could give; which, with what he was before under, (by bonds before the secretary of state,

for the same offence in effect) would amount to 10,000*l.* My lord keeper declared, he could not at his house alter what was agreed upon at the council; but the gaoler should bring him down to the council that afternoon, and if it could be done, he should be then bailed. About eight of the clock that night, Mr Braddon did accordingly go before the council, where his lordship was so far from bailing him upon the terms by him offered, "That his lordship renewed his demand of his former bonds in 12,000*l.* for the appearance, and 12,000*l.* more for the good behaviour, notwithstanding that very morning he had expressly declared, That he neither had or could demand sureties for his good behaviour."

L. My lord's memory was very short, his judgment soon changed, or his conscience very corrupt, to demand (against his own opinion, which he declared that morning) what by law could not be required.

T. My lord keeper told Mr Braddon, he had a mind to be made infamously famous, and thereupon sarcastically repeated out of Juvenal,

Aude aliquid brevibus Gyaris, et carcere dignum,
Si vis esse aliquis.

L. I do very well remember his lordship was made a lord about that time King Charles the Second issued out a proclamation against petitioning, to which it was then said, my Lord Keeper North advised, and for that and other such good services to the public, he was made a lord: Whereupon that saying of Juvenal, Carr in his Currant applied to his lordship, and in his translation rendered it thus:

Dare once but be a rogue upon record,
And you may quickly hope to be a lord.
Probatum est.

But blessed be God for this happy change, which will (I hope) bestow nothing but grinning honour on such vile perjured services, (in acting contrary to their oaths,) as Jefferies and North were advanced by.

T. Mr Braddon having thus suffered in the defect of this act, I cannot but here take notice of one great omission in this statute. This act inflicts a penalty of 100*l.* upon the gaoler that denies the prisoner, or any on his behalf, a copy of his warrant, and 500*l.* penalty on every judge that refuses to grant an *habeas corpus* upon the statute, for the removal of such prisoner; but inflicts no certain penalty upon the refusal to bail the prisoner, as shall upon this act be brought before them, so that if the judge either demand ten times more than the quality of the prisoner, or the nature of the offence requires, or refuseth to take any bail whatsoever, there can no action of 500*l.* for this refusal be brought, for no penalty in this case is enacted. It's very strange that the statute should lay so great penalties upon the denial of the means of bail, viz. the copy of the warrant and *habeas corpus*, and yet not enact an express penalty for refusal of the end, viz. bailing the prisoner; for what signifies either a copy of the commitment, or an *habeas corpus* thereupon, if bail be not procured? This is putting the prisoner to a very fruitless expence.

L. Seeing the statute requires the judge shall bail the prisoner, taking recognizance with one or more sureties, according to the quality of the person and nature of the offence, a special action of the case lies against such judge upon his refusal, wherein it is to be supposed not less than 500*l.* damages will be given.

T. Upon refusal, if there be little damages sustained (as it may happen, for though one judge refuse, another may grant the prisoner his liberty upon bail) and consequently so proved, the jury (being sworn to go according to evidence, as well in the da-

mages as in the matter directly in issue,) must go according to proof, unless they think the extravagant verdicts of the late times (which found 100 thousand pounds where not one farthing was proved) will excuse them in giving fifty times more than was sworn to be sustained. Few words more in the statute, would, I humbly conceive, have sufficiently provided in this case; for in the statute where it is said, That if the judges shall deny any writ of *habeas corpus*, by this act required to be granted, being moved for as aforesaid, it had been added; (" or shall refuse such bail as the quality of the prisoner, and nature of the offence required,) they shall severally forfeit to the prisoner or party grieved, the sum of 500*l.* to be recovered in manner aforesaid." These few words would have given the 500*l.* for refusal of bail, as well as denying the *habeas corpus*; whereas, without the like clause, the statute may (in effect) be daily evaded. But to return; Mr Braddon was hereupon turned over to Atterbury the messenger, where, for about five weeks, he lay at no less charge than four pounds and odd money per week directly, besides other collateral expences; this being too great for his fortune to comply with, he (after some opposition) removed himself to the King's Bench, having before by a friend agreed with Marshal Glover upon 2000*l.* security, and 5*s.* 3*d.* per week chamber-rent, to have the liberty of the rules; but when he came over, the marshal insisted upon two men in 10,000*l.* a piece, and 10*s.* 3*d.* per week chamber-rent, and then Mr Braddon was to have liberty of the rules; but when Mr Braddon had complied with these high terms (so much above the first agreement) the marshal ordered him to be kept a close prisoner under this security, at no less than 2*l.* 5*s.* 3*d.* per week charge, and refused (whilst Mr Braddon was thus close imprisoned) to deliver up the security-bonds for this close confinement; the marshal pretended the order of the then Lord Chief Justice Jefferies.

L. From the crown of the head to the sole of the foot, our government hath been corrupted.

T. After Mr Braddon had lain some time under these hard terms, he was bailed out by the King's Bench, and then renewed his prosecution with all possible industry and diligence; but about the 12th of November, 1688, he was taken up in London by a very strange warrant granted against him, by the then court of aldermen, or Sir Henry Tulse, the then lord mayor; the warrant was against Mr Braddon, as a person suspected to be disaffected to the government.

L. Suspected to be disaffected! Sure those who granted the warrant were very disaffected to the laws, or otherwise they would never have issued out so strange and illegal a warrant.

T. Upon this warrant Mr Braddon was carried before Sir James Edwards, and after that the then lord mayor, and last of all before the king and council, where he was falsely and maliciously charged with being the author of the Protestant Flail; many hundreds whereof (it was then suggested) he had bespoke about the time of Colledge's (pretended) plot, as a fit instrument to massacre the king's friends; King Charles then shaking one in his hand, declared it was a much more dangerous weapon than the popish dagger; but after Mr Braddon had answered to every part of his charge, there appeared so much malice, folly, and falsehood in the accusation, that his then majesty ordered his discharge without bail.

L. This was a very malicious prosecution, in hopes to ruin him; not so much for this, as for what he had done in the case he was before engaged in.

T. I believe you are in the right. About this time Mr Braddon was informed that his royal highness (discoursing at a hunting, concerning the late Earl of Essex,) had declared he would ruin him, if all the law or interest in England would ruin him, for rifling into the business (or words to that effect;) and thereupon Mr Braddon was persuaded to desist, but it was answered, That the ruin he did expect he did not fear, neither would by those threats be deterred from the prosecution.

L. Had his royal highness been indeed innocent of this murder, there had been few things more serviceable to his highness than a full and clear discovery of the truth in this matter; for had the earl been a self-murderer by a thorough examination and strict scrutiny, the truth would have plainly appeared, and all objections would have been answered and vanished, so that there would not have remained the least colour for a reflection on his highness; or had the Earl of Essex been murdered by such as did it without his highness's consent or privity, upon a diligent and judicious examination and prosecution, these vile varlets that perpetrated this hellish fact, being detected and punished according to their demerit, (as it had been both his majesty's and royal highness's interest, as well as duty they should) his highness, and all that were innocent, would hereby have been effectually vindicated from all colour of guilt; for the conviction and punishment of the guilty are vindications of the innocent. Whereas the cause was so managed, as gave all the world just reason to suspect the very truth of the matter was of so deep a dye, that it could not endure the touch-stone of a strict and diligent inquisition, lest it should then appear (as without doubt it would) in its true sanguine colours; wherefore this cause still shunned the light, because its deeds were evil. *Sed veritas non quærit angulos:* Truth seeks no corners.

T. To be short, for it would be very tedious to tell all this gentleman hath done and suffered upon this account,—in Hillary term, Mr Braddon and Hugh Speake, Esq., were tried upon an information exhibited against them by the then attorney-general; the chief thing laid to these gentlemen's charge, was a conspiracy to procure false witnesses to prove the late Earl of Essex murdered by persons unknown, contrary to the coroner's inquest, &c. Mr Speake was acquitted of the conspiracy, and Mr Braddon only found guilty.

L. Who can conspire alone? A sole conspirator is a contradiction.

T. Such a contradiction the jury made, and my Lord Chief Justice Jefferies approved of the same. When Mr Braddon appeared in court to be tried, he that was not Sir R.S. the least concerned in the prosecution, told him before the information was read, that he would do his business for him: Upon which Mr Braddon desired this gentleman to have patience to tarry till the jury had done it to his hands; to which it was replied, I do not doubt that. The oppression of the then time, was still sure of both judge and jury. This trial was carried on with all the fury and malice imaginable, and this pretended crime made worse than a common theft or robbery, for that tended to a private mischief, but this to a general confusion, &c.

When my Lord Chief Justice Jefferies at this trial was thus representing Mr Braddon's crime, as one of the highest that could be committed, exposing it as much worse than burglary, robbery, or the like, in the midst of his lordship's railing, Mr Braddon smiled; and it was (as I after heard him often declare) upon this story coming into his mind: A neighbour of his, an illiterate plain country farmer, had a wife of as violent a spirit as lived, and one day she comes into the room where her husband was (with several neighbours;) as soon as she came, though there was not, or it seems had been the least colour for a provocation, for he still carried himself well towards her, she flies into the greatest rage imaginable, calling him all the names that malice could invent, or rage could utter; and, had she not been prevented, might have done him some mischief. The husband, in the midst of this great storm, well knowing all to be false which the fury of his wife charged him with, stood as a man altogether unconcerned under this provocation, but rather appeared very pleasant. One of his friends asks him how it was possible for him with that temper to receive the scurrilous and unjust railing of that furious woman? to which the husband smiling, calmly replied, That his wife talked of a man he did not know, for he was altogether unrelated to, and unacquainted with that person she so railed against, and therefore what reason had he to be concerned when he was not the person she spoke of? Mr Braddon asked his own conscience

(an infallible evidence, according to truth, to condemn or acquit) whether he was this villainous criminal his lordship was so furiously railing against; and he found that Judge (by which at the last day he shall be tried) did acquit him from that crime which his lordship's corruption (against his belief) unjustly charged him with; and therefore, he stood very much unconcerned at all that his lordship's corrupt violence falsely and maliciously, without the least appearance of a crime, applied to him; who, though the person highly accused, was altogether innocent either of the offence, or those far-fetched, strained, and groundless aggravations.

L. If Mr Braddon was well satisfied in his innocence, he had good reason not to be discouraged: For, "though the wicked flee when no man pursues, yet the righteous are as bold as a lion."

G. No terrors ought to affright or discourage the innocent.

Integer vitæ scelerisque purus,
Non eget, &c.—Hor. Od. 22. lib. 1.

L. We have a much better author, who speaks much to the same effect, and assures us, that to the oppressed "God is a refuge and strength; a very present help in trouble; therefore need they not fear though the earth be moved, and the mountains be carried into the midst of the sea; though the waters thereof roar and be troubled, though the mountains shake with the swelling thereof," &c. Psalm 46. 1, 2, &c.

G. Nothing gives a man that satisfaction of mind under an unjust accusation, as his innocence; and I am verily persuaded that an innocent man hath greater quiet, even under an unjust condemnation, than the guilty can have, though here acquitted; for though the corruption of a judge or jury may protect the greatest criminal from that legal, human punishment which the law would inflict, yet the guilt of his own conscience still haunts him like (or rather much worse than) a ghost; and therefore is he "like the troubled sea when it cannot rest, whose waters cast up mire and dirt; for there is no peace to the wicked, saith my God." Isa. 57. 20, 21.

T. No man ought to condemn or acquit himself by the opinion of others; for men may be led by misinformation or prejudice; but his own conscience, when faithfully observed, will do him the greatest justice; and when he stands acquitted in his own mind, he ought not much to value the vogue of the people. For according to the poet, *Conscia mens recti famæ mendacia ridet.*

G. What this author saith in the next verse may be too truly applied to this corrupt age, who are so very apt upon the slightest (and sometimes without any) grounds, to take up a reproach against their neighbour.

Sed nos in vitium credula turba sumus.

But to proceed.

T. The lord chief justice and the king's council often in effect declared, if my lord was murdered by others, the king and duke had an hand in it. Some of these gentlemen must shortly deny their own conclusions from the same premises, or else maintain (from the earl's being proved murdered,) that the duke had a hand in it. The jury in this case were twice well treated with a plentiful entertainment; and that, which to some of them was much more grateful, (viz.) three guineas a man; so that *Guilty* came to a better market than *Not Guilty* would have done, by two guineas a man.

L. Did the king always pay the jury when they found for him?

T. No; but upon such services they did not go unrewarded.

L. Some of these mercenary men, which were corrupted to go contrary to evidence, will certainly meet with a reward hereafter, which will teach them, by woeful experience,

what it was thus to put to sale, first their own consciences, and then, in the corruption of that, to sell the property, liberty, and life of their fellow-subjects; chiefly to gratify that blood-thirsty party, which so eagerly pursued the destruction of all that stood in their way to those vile designs then carrying on, for the ruin of both church and state. I am apt to believe so charitably of some of these jury-men, (though too active in such services) that they did not foresee the tendency of these things, but were blindly, and not maliciously, hurried on (the knaves leading the fools) to those things which some have long since repented. But pray, what was this jury?

T. As for the foreman, Sir Hugh Middleton, baronet, (as I have been credibly informed) he declared himself a papist soon after King James came to the crown, and then said he had been a Roman catholic in his heart for many years.

L. Mr Braddon had like to have justice done him by such vile hypocrites, who continued (in appearance) of a church, that they may have the better opportunity to serve their party. Were any other of the jury of the same character?

T. I do not hear that any besides this gentleman turned papist; and I do hope some of these have seen their error in this unjust verdict, found without the least colour of evidence; for all the witnesses did acquit Mr Braddon from giving, offering, or promising, one farthing to them, to give their testimony in the case. Upon this unjust conviction, Mr Braddon was fined 2000*l.* and Mr Speake 1000*l.* and the good behaviour required during life. Under this corrupt oppressive judgment, Mr Braddon lay till the prince's coming, who removed such oppressions, and as the late motto hath it, *Veniendo restituit rem.* For as the government was restored by his happy arrival, and as sudden as just success, so was this gentleman's liberty procured, who had no hopes of being ever forgiven; for I have heard him say, that about August 87, Graham and Burton came over to the King's Bench, in order to the discharge of several of the king's prisoners, a list whereof, with the causes of their imprisonment, was produced to Mr Braddon, who finding only his own name crossed, and that twice crossed, he did ask Mr Burton how his name became the only name so marked? To which it was answered, that his majesty had ordered a list of his prisoners (in the King's Bench under fines) to be brought him, and that very list was accordingly taken and carried to his majesty, then in the camp; but his majesty, immediately upon sight of his name, called for a pen and ink, and with his own hand so crossed it.

L. By this it was plain, this gentleman was the most obnoxious to his majesty, and had no reason to expect any favour.

G. It had been for the king's interest to have pardoned all his prisoners, and not ruined so many in burying them alive, which caused no small reflection on his clemency.

L. The king's prosecuting (with an irreconcileable hatred) this gentleman, made the world justly conclude, that this gentleman suffered his imprisonment, not for his own guilt, but for the guilt of others, who would therefore never be reconciled; for had not others been guilty of this blood, Mr Braddon would never have been thus injuriously dealt with, nor his offence (if it may be so called) kept in such an hateful remembrance.

T. A gentleman of good interest in the late times told Mr Braddon, he must never expect to be forgiven, because he had cast blood in the king's face, which none else had done.

L. His late majesty's thus marking this gentleman out as an irreconcileable object of his displeasure, was more used as an argument of his majesty's guilt in that matter than any thing I could ever find in Mr Braddon's trial; for though what is there proved, satisfied me my lord was murdered, yet nothing sworn appeared directly against his highness. But the government becoming (as it were) parties to this charge, by their appearing in such an extravagant method of (pretended) justice against the prosecutor of this murder, as though my lord could not be murdered but the government

must have an hand in it: this made men of consideration conclude, that had not persons of the greatest character been chief in this execrable contrivance, the government had never thus extravagantly been hooked in as *particeps criminis*, (in case my lord were by others murdered) to punish him who would have legally indicted such as the government ought with an indignation (due to the most barbarous complicated murder) to have prosecuted even unto death.

T. If a government shall answer for the blood of the party slain, when no inquisition is made by the proper magistrates in order to a detection, how much more shall that government appear criminal, that, instead of making inquisition for blood, became advocates and defenders of the blood-guilty, and in a violent unprecedented method of (falsely called) justice, ruin him who did humbly offer the matter to a judicial consideration?

G. The government had made enquiry by the coroner's inquest; and therefore how could the government be blamed for any neglect?

T. Those concerned in this barbarous fact intended to use (and indeed did) the coroner's inquest (which the law designed as the means of discovery of a violent death) as the means to prevent the detection of this villainy; for having prepared a couple of treacherous and perjured varlets, (Bomeny and Russel I mean) to misinform the jury as to the (pretended) manner of death, instead of discovering the truth, (which would have rendered themselves obnoxious to punishment) they villainously contrived a story, or rather repeated their instructions, (for without doubt the information to be given the jury was likewise agreed upon before my lord's death; so that these forsworn caitiffs might not be to seek in their information when they came to swear, which would have soon discovered this bloody treachery,) I say, repeated their lesson, and with this forgery misled the jury, who were too easily imposed upon. Now, though the government is not so much to be blamed in this coroner's inquest, (which inquest, by the way, in all respects can never be justified) yet as to the government's standing by this inquisition, as what was to remain (like the laws of the Medes and Persians) without alteration, this is what all the world justly condemns it for. You can't but be so much a lawyer and historian, as to know that the coroner's inquest is not conclusive and final, but may be contradicted, and almost daily is; sometimes the coroner's inquest finds men to have died of a natural distemper, which after appear to have been barbarously murdered. To give you one instance for many, Sir Thomas Overbury (whose case in some respects runs parallel with this) was by the coroner found to have died a natural death; but as soon as that faction, which had treacherously murdered him, declined in their interest, it appeared this unfortunate gentleman was treacherously murdered by others. When this murder of Sir Thomas Overbury was first detected, King James the First was far from thinking the prosecution of that murder a reflection on the government, though there was the same reason in law for that as this, seeing in that the gentleman died in the custody of the law, and the coroner found the person to have died of a natural death, and in this a *felo de se*. Now, seeing the contradiction of the coroner's inquest was the foundation of Mr Braddon's information, there was the very same ground for the like prosecution of those that did detect Sir Thomas Overbury's murder; but instead of prosecuting the prosecutor, King James the First, at Royston, laid the highest injunctions imaginable on all the judges, diligently and impartially to prosecute this murder; for in the midst of his judges (his lords and gentlemen then likewise surrounding him) he used these words: "My lords the judges, it's lately come to my hearing, that you have now in examination a business of poisoning. Lord! in what a most miserable condition shall this kingdom be (the only famous nation for hospitality in the world) if our tables should become a snare, as none could eat without danger of life, and that Italian custom should be introduced amongst us! Therefore, my lords, I charge you, as you will answer it at that great and dreadful day of judg-

ment, that you examine it strictly, without favour, affection, or partiality; and if you shall spare any guilty of this crime, God's curse light on you and your posterity; and if I spare any that are found guilty, God's curse light on me and my posterity for ever." Such was then his majesty's great zeal for the detection and punishment, and his just abhorrence of this treacherous murder, which he then expressed upon the first discovery of that barbarous perfidiousness. But this case is under much higher aggravations; for

That gentleman was only charged (and that in truth) with a refusal of the king's command, in not going on that honourable embassy, which would have been both for his honour and safety; so that his was a sin only of omission. But this noble lord was maliciously and falsely accused of the blackest treason, viz. *Conspiring the death of the king*, &c.

That gentleman's reputation was not murdered with an imputation of self-murder: but

This honourable peer was murdered both in person and reputation, and by the perjury of the most perfidious varlets, corrupting the law, they villainously transferred the guilt from those really criminal, and placed it on him whom they had before (by their privity and consent) treacherously and barbarously murdered.

That gentleman's murder centered in himself; but the murder of this honourable person was immediately applied to the murdering of another honourable lord, whom they were then (*by their instruments, not so much corrupted with malice as blind obedience*) *villainously* haranguing out of his life, under form of law and colour of justice; and many more since murdered to avoid a detection of this their first most cruel and barbarous treachery Justice zealously espoused the prosecution of that worthy gentleman's murder; but justice here became corrupted and retrograde; for instead of encouraging, and prosecuting the murderers, it discouraged, prosecuted, and ruined the prosecutor. That food which should have sustained the natural man, was tainted with a natural, poisonous composition, and became (or at least was there designed, for he was stifled between the pillows, and died not of the poison) the means of that worthy knight's destruction: but justice (which supports the moral man) was here twice vitiated; first, by perjury and treachery in those vile perfidious caitiffs before the coroner; and the second time, by perjury (in the same cruel miscreants in the King's Bench court) at Mr Braddon's *trial*; and the then bare-faced wresting of justice thorough the irreconcileable malice of the chief author of this murder, and the groundless and illegal prosecution, conviction, and punishment of him, who did endeavour, by proper legal methods, to detect this hellish complicated villainy. I shall follow this comparison no farther, but appeal to all the world, whether the latter of these two murders is not aggravated with far higher circumstances than the former. And as justice, after some time, overtook those that perpetrated that treacherous cruelty, so I doubt not but God in justice will shortly bring to condign punishment, some, though not all, of those concerned in this not-to-be-paralleled piece of barbarous cruelty.

L. The hard measure Mr Braddon met with was more to deter him and others from this prosecution, than to punish him for what he had done.

T. That I believe; and my Lord Keeper North, who wanted not words and plausible insinuations upon all occasions, represented to Mr Braddon the great danger such practices would bring upon him: To which it was answered by that gentleman, "That he hoped he had done nothing therein but what he could answer to God and his own conscience; and the danger he did not fear, for he did hope that neither danger nor death should deter him in the way of his duty, in which he could as cheerfully depart this life at Tyburn in a halter, as in his bed of a fever."

L. I believe Mr Braddon did not expect to be very kindly received by the then court?

T. He had no reason to believe he should by them be made very welcome, and he was so told by many of his friends, which therefore dissuaded him from proceeding. But to such he did generally give such answers, viz. "That he could not but expect what they did seem to fear would befall him, nevertheless it should not deter him; for should none in this case move, the same bloody principles that took off that unfortunate lord, might poison a second, stab a third, and strangle a fourth, &c. of those they then had or should take into custody, pretending (as they falsely did in this case) that these unfortunate gentlemen, thus barbarously murdered, had done it to prevent the common methods of justice, which their guilt threatened them with, so that no man could tell in how many men's destruction such their treacherous and bloody practices would determine; but if once they found that these their dark designs were suspected, and some of them like to be detected, they might then conclude these clandestine, perfidious, complicated murders (in person and reputation) would do them great prejudice, (by raising up in all mankind a general aversion against those blood-thirsty men,) and therefore they might desist from such barbarous unheard-of measures." And seeing by such service as this the public would receive far greater advantage than could be expected by this gentleman's liberty, he was resolved to sacrifice that, or whatever else he had, for the good of his generation, to whose interest he thought any individual was obliged to offer up his private advantage or safety. Neither did he believe this to be any other than what he was taught implicitly by that doctrine which obliged him to love an individual neighbour as himself, and therein taught that much more than self-love ought that love to be, which he did owe to so many millions of such individuals. I have often heard this gentleman (when he first engaged) say, that he looked upon the world as an army, where the bad were still endeavouring the destruction of their contrary. Now if a general of an army command a party of men to a post, by the maintaining whereof a certain time this party perceive they shall (in all human probability) give success to their army, but after their thus maintaining their post they shall (in as great probability) fall sacrifices to the fury of their enemies, neither of this party (though thus assured they shall every man fall) ought to desert his post, because every individual soldier, or any particular party, is obliged to prefer and desire the success of their whole army before their private preservation and safety. If, therefore, that Providence, which is the general of all mankind, should call a person to that service wherein he might prove extremely useful to his generation, such service he ought not to desert, though thereby (through the oppression of the times) he was morally assured he should, in his private interest and safety, fall a sacrifice to the oppressor, because self-interest is not to be preferred before the good of so many thousands.

L. May all their majesties' soldiers be ever influenced by such considerations, and their enemies possessed with and practise the quite contrary principles.

T. Another argument of the backwardness (in this case) of the then government, (and of Bomeny's guilt in this murder,) is an account which follows, viz. About six weeks after my lord's death, there was a letter (unsealed) left with one Mr Cadman, then living in Durham Exchange; the letter was directed to the Right Honourable the Countess Dowager of Essex; the substance of this letter was, "That if her honour could prevail with the king for the author's pardon, he would ingenuously make a full discovery, how, by whom, and whose order my lord was murdered; and this letter did assure her honour that the Duke of York and ——— were authorising this murder. This letter subscribed, P. B."

L. Who do you believe to be the author of this letter?

T. By the hand that writ it, and the letters subscribed, it was Paul Bomeny before mentioned, (who did once blasphemously say, "That he could as well tell how my lord came by his death as God Almighty himself,") for the letter was very fairly writ

in a hand between a Roman and an Italian, and such a hand Bomeny, when he would write fair, did write; besides, the letters subscribed are the letters of his name.

G. Can it be supposed that Bomeny would write either in his own hand or subscribe his own name, when the letter, had it been brought in accusation against him, would have cost him his life, seeing herein he confessed himself guilty of the fact?

T. I think Bomeny by this letter, could it have been proved to be his own writing, was in no danger at all of being punished; for had they hereupon seized Bomeny, they would have catched a Tartar; should they have proceeded against him for this murder upon this confession, the world would have believed the whole contents of this letter to be true, and consequently that the Duke of York and ——— authorised (or rather) commanded this most treacherous murder. And then pray consider what that government would have got by such a prosecution, conviction, and punishment.

G. What was done with this letter?

T. This letter was left with Cadman when he was at his shop within-side of the counter, and very sleepy; and when he waked, finding this letter unsealed, he opened it, and perceiving the contents to be of that consequence, he carried the letter to a justice of peace, who did promise to carry this letter to the secretary of state; but this bookseller was never sent for, and examined whom he did suppose to be the author of this letter.

L. By the backwardness of the then government in not examining into this matter, it's plain they were too well satisfied in the truth of the contents, which was of such a nature as it could not bear an inquisition, which would have centered in his ruin, who was then by blood and cruelty, and other illegal methods, endeavouring the subversion of our laws, liberties, and religion: and this by the removal of some of the chief of those noble lords and gentlemen who had ever opposed their arbitrary and popish designs, amongst which this noble lord and my Lord Russel they did esteem two of the chief.

T. Had they been willing this murder should have been detected and punished, with what diligence would they have searched out the author, who desired no other reward than the security of his life, and in order to his indemnity (if they could not have otherwise found him out) a pardon would immediately by proclamation have been issued forth, by which the author would have been assured of his life; and then, without doubt, according to his promise, would have laid open this bloody deed of darkness. Hath this age ever known, or seen recorded, any murder (admit this one) committed within this kingdom, that hath been (in all circumstances considered) of greater consequence than this? We have seen a reward of 200*l.* (as well as a pardon,) by proclamation, offered for the discovery of those bloody ruffians who barbarously wounded, but designed to have murdered, that worthy gentleman Mr Arnold; and was there not 400*l.* and a pardon, by proclamation, promised to him or them that should detect the murder of Sir Edmund-bury Godfrey? Such means as these would have been likewise in this case used, if such who then misled Charles the Second, and corrupted the state, had not been the deepest in this black contrivance.

G. This letter, I perceive, mentions some other besides his highness; pray who was the named?

T. In this I desire your pardon; but of the name and person you may hereafter hear.

G. Sir, I desire to know nothing but what you are very free to tell.

T. Some things are not convenient to be spoken of till a more convenient season.

G. I shall press to know nothing which may disserve this discovery by being divulged. What religion was this Bomeny? I have been informed he was a very good protestant, and one that my lord had a great kindness for. It's much this fellow (if a protestant) could be prevailed with to connive at so horrid a piece of cruelty.

T. Bomeny's religion was (like many other men's) to be managed and changed in shew, according to his interest, but cordially I do believe him still a papist. Whatsoever opinion my lord might have of this fellow as to his faithfulness, I am very well satisfied this villain was engaged (before my lord was brought from his country-house) in this treacherous murder; for as my lord was in the custody of the guard, and bringing through Watford, when all my lord's other servants, and even the whole town, were in fears for his lordship's trouble, this Judas rid smiling, and talking of French with some of the guards.

L. In hopes that within some short time he should receive more for his perfidiousness than his service might expect in many years. But these gains were his greatest loss, for what more ready way (could he have taken) to destruction (here I don't say; against that he was secure enough, but) hereafter? and *what would it profit* this varlet *to gain the world and lose his own soul?*

T. As for his religion, you may conclude it belonged to that church whose garments are dipped in the blood of the saints; and that this fellow's religion was really such, (though in appearance he seemed otherwise,) may reasonably be concluded from this story, of which I have been credibly informed. The protestant minister where Bomeny lived in France, after my lord's death, prest Bomeny very earnestly to deal ingenuously in this case; for the minister declared he was very well satisfied my Lord of Essex was murdered, and he was well assured that Bomeny must know it, therefore the minister protested he was not free that Bomeny should come to church, much less be admitted to the blessed sacrament, till in this matter he had discharged himself. Bomeny finding himself thus pressed by his minister, thought it best openly to profess what he was, and the very next day declared himself a papist.

L. That priest to whom he should confess this murder, would be so far from enjoining him a penance, that he would commend this action as meritorious.

T. It was indeed for the advancement of that church, (so often drunk with the blood of the martyrs, and) the stones of which church are cemented with the blood of the saints.

G. Then this traitorous varlet, who betrayed the best of masters, was only to shew a protestant, that thereby he might have the better opportunity of serving a church which did ever by bloody means advance its interest?

L. It's very probable this vile perfidious fellow was a constant spy upon my lord; but when that service was to have an end by the destruction of his person, then was this barbarous villain to finish his treachery in being privy to the most astonishing piece of complicated cruelty, and after that, to crown and conceal this cursed butchery, perjury was to be added, so that this murder might be laid to my lord's own charge; as well to destroy this honourable lord's reputation, as to protect those cruel miscreants who had before perfidiously murdered his person.

G. Sir, I am very glad you have thus given Mr Bomeny's character, for I am very well satisfied that an eminent doctor (for whom I am sure you have a very great reverence) believes quite otherwise of this fellow, for I have heard the doctor give this Bomeny a very good character, (which I do suppose he had only by information;) and by what relation this fellow did give the doctor, he was strongly persuaded that my lord did it himself, though I am sure no man would be more readily convinced upon good ground than this doctor would; neither would any living be more zealous in a just prosecution, if once he had good grounds to proceed upon, which I can now soon furnish him with, and answer those very objections which so much influenced the doctor to a disbelief of my lord's being treacherously murdered, and one of his reasons for the self-murder was this:—

Soon after my lord's death, Mr Bomeny (that treacherous villain, of whom I cannot think with patience) gives the doctor this account: "That his lord did use to be taken

with sudden frenzical passions, and in particular with one that morning just before his death." For, said this vile Judas, "As soon as my lord saw my Lord Russel go to his trial, he struck his breast, and said himself was the cause of my Lord Russel's misery, seeing he had vouched for that gentleman whose treachery would prove my Lord Russel's ruin, &c. and hereupon fell almost distracted." But I perceive this story is entirely forged. For the jury here swear that this very fellow to them, the next day after my lord's death, upon oath declared, "My lord was as cheerful (and the night before eat as hearty a supper) as he did ever see him in his life." And gives them no account of this treacherous forgery, nor any thing like it, but all in contradiction to it. This appears by his first oath.

T. It's very probable at Mr Braddon's trial he would have forgot this part of his lesson, had not the attorney-general (whether out of any ill design, or according to Mr Burton's false instruction, I know not) put him in mind of this particular; for when Mr Attorney said, *Did you observe your lord melancholy, Mr Bomeny?*

L. Without doubt Mr Bomeny understood what answer he was to give to this question.

T. Yes, and followed not the truth, but (in part, though very imperfectly) his instructions. For Bomeny said, "Yes, *he was melancholy*; but we took no notice of it, for he did use to be so, and we had [illegible] to suspect any thing more than ordinary." Braddon's Trial, p. 55.

L. Observe now how different [illegible] contradictory, this answer is to that relation this perjured villain gave th[illegible], and both destroyed by that account he upon oath (the very next day after my [illegible] death) gave the jury, for he then swore his lord was very cheerful; had the rela[illegible]en the doctor been true, how ready would Bomeny to this question have give[illegible] in answer, and what an harangue thereupon would my lord chief justice at this trial have made!

G. I am very well satisfied the doctor will soon be convinced of the falsehood of that relation which Bomeny (as before) gave him, when he doth once find that it stands in opposition to what he hath twice deposed.

L. Whosoever this doctor be, of whom you give so good a character, if he shall pretend to believe the account Bomeny gave him, when it thus stands in contradiction to those relations Bomeny hath twice given upon oath, he is not deserving of that fair character, but may justly be suspected as one prejudiced in this matter against the truth, which, maugre all opp[illegible]nts, will one day (and that speedily) shine through all clouds of opposition, which the malice and oppression of some, and impudence of others, have raised against. But, blessed be God, as 'tis the duty, so it hath been the practice of this government to encourage this prosecution.

T. Let the doctor but reconcile the several contradictions of Bomeny's informations given the coroner's jury, and at Mr Braddon's trial, before at large observed, and I will (then reject all other evidence, and) believe with the doctor, That my lord did indeed cut his own throat; but till then I must beg this doctor's pardon, if in this matter I will not admit of his belief as a rule for mine.

L. I do very much wonder that this reverend doctor should in the least be influenced by what this bloody rascal told him, for that's allowing a villain's being evidence in his own case, which no law will admit in opposition to what is sworn. Now, seeing this false fellow was to lay the murder at my lord's door, or take it upon himself either as privy to it, or acting in it, I think his testimony ought scarce to be received *de bene esse*, as the lawyers term it, that is, to be believed, or disbelieved, as upon further enquiry it shall seem to deserve credit.

G. If all these contradictions, before observed, between Bomeny, Monday, and Russel, had appeared to the coroner's inquest, they ought upon these only to have quitted my lord from that perfidious imputation of self-murder, and laid it at the door of those

treacherous and cruel men, who, by their perjury (which so plainly appeared in these gross contradictions) wilfully and falsely charged his lordship with it.

L. In the history of Susanna it's related, "That Daniel, standing in the midst of the people, said, Are ye such fools, ye sons of Israel, that, without examination or knowledge of the truth, ye have condemned a daughter of Israel?" verse the 48th. The people had received the accusation of the elders, whose qualifications gave no small credit to their evidence: for it's said (verse the 41st) "The assembly believed them as those that were the elders and judges of the land." Nevertheless, Daniel justly condemned the assembly for pronouncing rash judgment without examination, or knowledge of the truth. In this case an accusation was not to be admitted for truth without strict examination of the matter; and such scrutiny was, as was proper, a-part, so that one might not hear the relation of the other, and thereby be enabled to agree in their evidence, which, without doubt, they would, had they been examined together. If the testimony of these two elders were to be thoroughly sifted by a strict, judicious, and separate examination, how much rather the relation of Bomeny and Russel in this case? for to that it did not appear (any other ways than by the defence of the accused) that there was the least malice in the accusers, or that their interest, much less their lives (before the charge) depended on the truth of the fact, (for these elders had suffered nothing by Susanna's innocence) provided [illegible] not falsely and maliciously testified against her. But here it was plain to e[illegible]'s understanding, that these two men's (Bomeny's and Russel's) very lives lay a[illegible] for most certain it is, that such as were in the chamber, and kept the chamber d[illegible]e chamber not being above fourteen foot square, and no othe[illegible]way in or out) [illegible] either acting in, or privy to this barbarity, if such it were; for this very reason this [illegible]roner and jury should have been very inquisitive and scrutinous in their interrogations, and taken all care possible that the one should not have heard, or been informed of the examination of the other; by which they would have found these two in greater incoherences and contradictions (if possible) than they are now guilty of.

G. Indeed, it's a great wonder they did not agree in every particular, considering how fair, or rather favourable, the coroner and jury were to them.

T. In the history of Susanna, you find in the charge, not the least incoherence, besides one contradiction, and that only as to the place where: but,

In this case, how many, and how notorious incoh[illegible]nces and contradictions have been observed in several respects? and therefore how much more rational is it to conclude, as the assembly did in that case (verse the 61st) "That these witnesses are convicted out of their own mouths," by those many, and those so very notorious oppositions in their testimonies?

G. In the contradictions of these sinners there is a clear discovery of their sin, and may they receive the just fruits of this their treachery, which so plainly appears by the many oppositions in their relations.

L. I must confess, I never saw so short an account thus crammed with contradictions. I do find the common observation is herein verified, viz. "The contradiction of sinners is the discovery of sin;" and, I think, no impartial man, who shall hear these contradictions, but must be satisfied neither of these spoke true: and he that, through the excess of his charity, (for these three villains, or their master) or his folly, or rather somewhat of a worse and different nature from either, shall in coffee-houses, and other public places, make it his business to weed out these contradictions, to reconcile these three men's relations in the main, so that my lord may still be thought a self-murderer, and yet at the same time object against my lord's being murdered from every colour of incoherence (in case any had happened, which I believe there hath not, though about sixty in this case have been sworn) in the evidence to prove my lord's murder; I say, whosoever appears thus partial, gives great cause to be thought and censured as very

corrupt, and one whose zeal is greater for the chief author of this murder, and his bloody party, than for either truth or justice. But to return to this reverend doctor, of whom you were speaking.

Can the doctor think that this fellow, who was immediately attending upon my lord at the time of his death, and hath (as before plainly appears by their contradictions) with two others, forged a story to transfer their own and others guilt upon his head, whose throat they barbarously cut, or permitted to be cut; I say, how can this reverend doctor now give the least dram of credit to this perfidious fellow?

G. Sir, I do assure you, I shall (as in justice bound) do the memory of this honourable, but unfortunate lord, what justice lies within my power; and in particular, shall endeavour rightly to inform this learned doctor with the whole state of the case; and if once he be convinced, as he can't but be, if he believe what is herein sworn, and so strongly confirmed, his belief will soon draw many proselytes. But I do admire Mr Billingsly, this unfortunate lord's steward, should seem to disbelieve it.

T. This gentleman of whom you now speak hath great reason, from what himself knows, to believe my lord was murdered.

G. What reason in particular, I pray, sir?

T. From what Bomeny told this gentleman, he might safely draw that conclusion; for Mr B. the Sunday or Monday after my lord's death, asking Bomeny how long my lord lay dead before he was known to be dead; he declared, above two hours; upon which *Mr Billingsly* (as he justly might) was very angry with Bomeny for leaving my lord so long alone. Now, by comparing this relation to what was sworn, he must have found it a point-blank contradiction; for Russel deposed, it was not half an hour from the time of the razor's being delivered by Bomeny to the time of their finding my lord dead in his closet; so the one swore it was not half an hour, and the other said that it was above two hours, (and this declared within two days after the fact, and so may be supposed to be fresh in his memory;) it's plain that one of these two was false in his information; and seeing these men's relations were to acquit themselves, as well as charge my lord, it might be reasonably concluded that both were false, and all forged, as it now plainly appears by comparing these men's relations (so full of contradictions) together.

G. I have reason to believe, that the right honourable the Countess Dowager of Essex hath been extremely deceived by what this Mr Billingsly informed her honour; for I have been told, that this gentleman pretended to the countess, that the very night before my lord's death, he being with his lord, his lordship seemed extremely disordered in his mind; and he took the more notice of it, by his commanding him to sit down and drink a glass of wine with him, which made Billingsly believe his lordship was somewhat crazed; and therefore he was inclined to think what he was sorry to say, viz. *That my lord committed that violence on himself.* If this report be false, Mr B. ought to vindicate himself, and therein clear his lord from this suspicion of being delirious.

T. Sir, I have little reason to give credit to what this steward saith, seeing (as I was informed by one of the family) he made oath before my Lord Sunderland, *That he did believe my lord did destroy himself;* whether this be true I know not; but of this I am very well assured, that this Mr Billingsly (though he hath got so many thousands by this family) would not in the least engage with Mr Braddon in this prosecution; nay, at last, was so far from it, that he did refuse to see Mr Braddon, pretending that he did believe Mr Braddon was a court engine, used by the court, for the further ruin of that honourable family (whose misfortunes were before greater than could well be borne,) so that the court might have a farther opportunity to prosecute and ruin the survivors of his unfortunate lord. This was the substance of this gentleman's suggestion.

L. For this suggestion, Mr Billingsly had not the least colour; and I do believe this he declared only to avoid being thought backward in that prosecution, which the high-

est degree of both justice and gratitude obliged him to engage in. Though this Mr Billingsly, by this honourable family had well feathered his nest, his gratitude was not such, as (in service to the memory of his murdered lord, and his honourable relations then surviving) to hazard any part of the estate he had got under them; and that he might not be thought ingrateful, he buried his ingratitude in the blood of his lord, by false, disingenuous, and base insinuations.

T. If Mr Braddon was the late court's instrument, I am sure he was very ingratefully served, to be so violently prosecuted, unjustly convicted, and sentenced to his perpetual imprisonment; for such would it have been to him, had it not been for this providential deliverance.

L. There are a sort of people (ingrateful as they are) that will sacrifice the honour of their greatest benefactors, rather than themselves should be thought ingrateful. And of this sort are many that have been preferred by this great, but unfortunate lord; for I have heard of few that were employed under him that would heretofore in the least seem to countenance this prosecution: But I think myself bound (in justice) to vindicate one (in particular) from being thought ingrateful to the memory of his murdered lord. The gentleman I now speak of is one Mr E., who in the worst of times hath gratefully endeavoured to rescue the honour of his lord from falling under this false imputation of self-murder; and, as I have heard Mr Braddon often declare, was very ready to assist him in any thing, when this murder was first prosecuted.

T. Your naming this honest gentleman, puts me in mind of one particular, which I have heard him often aver, the truth whereof I do not doubt, and this truth seems to destroy that great objection, that my lord was afraid he should, according to his (pretended) guilt, be brought to condign punishment, for the avoiding whereof he laid violent hands on himself; this was (as before observed) often (in effect) said at my Lord Russell's trial, and likewise at several other times. The story is this: When my Lord Shaftsbury, and my Lord Howard, &c. were last committed, this gentleman, one of general conversation (having heard the court designed likewise to commit my Lord of Essex, and to take off many in form of law, or rather that which they falsely called so,) went to his lordship, and informed him of what he had been told, and humbly submitted it to his lordship's judgment, whether it were not proper for some time to withdraw, till the fury of the court by time was a little appeased; this gentleman told his lordship, "He found by the papists, that they did design to destroy several, and his lordship being to their arbitrary and popish designs as great and profest an enemy as any, he did fear his lordship might not be safe from their pretended justice, when within their power." My lord hereupon smiled, and said very sedately, and yet very resolutely, "That he would not stir, though he did expect the court would proceed very far, not only to the imprisoning, but against the lives of many; and if God in his providence should think fit to suffer him to fall a sacrifice to the rage and malice of the court, he did hope, and did not doubt, but the world should see that he could die with as great resolution as ever his father did; for he was ready at all times, and upon all occasions, to lay down his life for his country."

L. This was his lordship's true character, and this the popish faction was well satisfied in, therefore they dared not bring him to his trial; for should they either by false witnesses have proved that which really was treason against him, or by wresting the law in bench, council, and jury, (which were then more led by the dictates of Whitehall than the judgment of Westminster-hall, in the case of treason) have adjudged that treason, which the law never made or designed to make so, as they did in the case of the Honourable Lord Russel, and some others; I say, should they have thus proceeded, his lordship's courage, in all probability, would have been such in a bold defence, that his enemies would have rather lost than gained by his death; besides, had my lord been really guilty of treason, his lordship had reason to presume upon the king's

mercy, seeing his father sacrificed his life in that king's service; wherefore his then majesty (as is said) declared, *He wondered the earl should destroy himself, seeing he owed him a life.*

T. If that king was (as my Lord Chief Justice Scroggs told Mr Coleman) *merciful even unto a fault*, sure he would have extended mercy to him, whom in gratitude he was bound to spare; for his justice in this case would have rendered him as ingrateful, as his mercy (too often shewed to the greatest criminals) rendered him in some measure culpable, seeing by his sparing so many, who had more than once forfeited their lives to justice, he gave (or at least some, by their repeated presumptions, did so construe it) a sort of impunity and encouragement to vice; for, as Solomon observes, "Because justice against an evil work is not executed speedily, therefore the heart of the sons of men is fully set in them to do evil," Eccl. 8. 11.

G. There is one objection which I designed to have mentioned before, but forgot; it's probable you can give me truer information in this particular than I have met with, for I perceive I have been very much misinformed.

T. In any particular (convenient to be told) I will give you what information I can.

G. The story is this: About five months since, I was very positively told, that the Right Honourable the Countess Dowager of Essex, desired several honourable lords (some of which were of this committee) and one worthy gentleman, to meet at her house, where she spoke to them to this effect: "My lords, I have desired this favour of your lordships, in order to my own vindication, which in self-justice I think myself bound to do, though I am very sorry for the occasion. My lords, I do understand I am traduced (out of malice in some, and indiscretion in others) as a woman that hath sold the blood of an husband; and, by a non-prosecution, tacitly consented to his death. My lords, it's no pleasure, but a great grief to me, to say any thing which may seem in the least to reflect upon the memory of my lord; and I could heartily wish there were not this just occasion offered; just, I say, with respect to myself, and to my honour much dearer than my life; for should I suffer myself to lie under this unjust scandal, without a just self-vindication, by such my silence I should make this dishonourable calumny become current and credible. My lords, my non-prosecution of my husband's death is my charge; to which I have this to say, that were I well satisfied my lord's blood was treacherously spilt, I did deserve this censure, and there is none could think so bad of me as I should then of myself, for my long silence. My lords, the reasons which make me disbelieve my lord's being (by others) murdered, are such as I could never hear answered, though I am sure I should readily be convinced, and rejoice in my conviction; but till then I should think myself little less than a murderer, to prosecute any for the shedding of that blood, from the guilt whereof (I am sorry) I must, in my opinion, acquit all men living. My lords, the reasons which have thus influenced my belief, and tied my hands, I have at large communicated to my lord bishop of S., whom I have desired to make them known to your lordships, and your lordships (being satisfied in my innocence) will, I am sure, soon rescue me from the vile slanders of those tongues, under the lash whereof I have so undeservedly suffered. My lords, I shall only add this, that if once these objections are removed, and I become fully satisfied my lord was perfidiously murdered, none living upon the face of the earth shall more zealously prosecute the blood of a murdered husband than I will this, as in duty and honour I shall then stand obliged."

L. And I doubt not but her honour will zealously prosecute, as soon as she finds what is here deposed, to prove her lord treacherously butchered: such evidence there is, that nothing can balance but the ocular evidence of the self-murder, and if there be any such, it's strange we should not long since have heard of the person: But pray proceed.

G. Upon this that learned bishop, as I have been told, gave a large account what

were the several inducements that moved the countess to this belief; but I could never hear what these reasons were, but without doubt they were such as had some weight with them, or otherwise they would never have satisfied, not only that reverend bishop, but most then present, in the belief of the self-murder; and so throughly convinced Mr H. who (as I have been told) did second the bishop, and gave some other arguments for the same purpose, and seemed concerned that some of those honourable lords appeared to disbelieve the self-murder.

T. I could never yet hear but a very imperfect account of what my Lord Bishop said; for the chief reason, as I have been told, his lordship then gave, was what my Lord of Essex declared just before his commitment, when his lordship (appearing under some disorder and trouble of mind) said, that it was not any personal concern that made him thus troubled, but it was the thoughts of his family; for he was much troubled to think what would become of them after his death; as for himself, it was the least of his care, for therein he was resolved what to do; several times over repeating (in a seeming despondency) that expression, *As for myself, I am resolved what to do.*—Now, admitting this to be true, that the earl several times repeated that expression, *As for myself, I am resolved what to do,* is there no other resolutions but self-murder to be supposed?

G. Being spoken with such despondency, it argues the resolution was desperate.

T. It's very natural for love to fear the worst, and to apply such fears accordingly; now her honour being startled with these often repetitions, upon hearing of her lord's death, might suppose that such had been her lord's resolutions, which gave birth to those repeated expressions: but whereas it's said, my lord spoke it in a sort of despondency, it's probable that her honour might mistake his lordship's undaunted courage (which, with a higher assistance, kept him above the fear of what the power and malice of his greatest enemies could inflict) for desperation. This, to me, seems the most likely, considering what his lordship had before declared, viz. "That he did expect the court would not only imprison, but take off several; and if it should be his misfortune to fall a sacrifice for his country, to the court malice and rage, the world should see he could die with as great resolution as ever his father did, for he was ready at all times, and upon all occasions, to lay down his life for his country." This honourable lord was not ignorant of the popish and arbitrary designs of the court, and that there were small hopes of any redress by parliaments, for such were not suffered to sit when they began to reform our grievances; and as for the then judges, they were purely instruments and echoes to the corruption of the court; so that whatsoever Whitehall had resolved upon, as fit to be declared treason in Westminster-hall, was declared (not properly adjudged) accordingly; not adjudged, I say, for we found many of them more knave than fool, and their interest corrupted their consciences, and these their tongues, to pronounce what their judgment in the law could not but be satisfied was false, and themselves well knew to be corrupt; wherefore only the last remedy remained, in case the court proceeded, as there was all reason to believe they would, by such vile, illegal, arbitrary, popish, and oppressive methods, to destroy what to every brave true English spirit is much more valuable than life (religion, liberty, and property, I mean.) My Lord of Essex had long stood in a true light, wherein he could plainly see the most secret and ultimate end of the court; and this made him the more resolved to join with others, such patriots as himself, in opposition to those hellish plots of St James's, (for there indeed lived the true plotters, which were industriously plotting the total destruction of our religion and liberties,) when such true lovers of their country, as himself, were designing nothing more than the preservation of our laws, which the corruption of the bench had in perjury sold to the oppression of the court. But this bargain was never so plainly proclaimed as in that never-too-severely to be-punished judgment, which gave (as far as was within the power of that perjured bench) such a dispensing power to the crown, under a necessity (of which necessity the crown was the sole judge)

as by a natural consequence dissolved all law, when a royal arbitrary *ipse dixit* should so pronounce it; wherefore (as before observed) we held our laws, and therein our religion, lives, and liberties, as these forsworn, mercenary judges did their places, *durante bene placito regis*. Had we in this lord's days known those popish and arbitrary court-secrets, (which he plainly saw designed our ruin; but no consideration could ever corrupt this honourable lord to engage in those cursed cabals,) most certainly we should have rescued the lives of those our best friends, and not, by a corrupt constructive treason, have sacrificed those true lovers of our country, for doing of that which we all ought as one man to have cordially joined in. Had not those brave patriots, our church and state confessors, the most reverend his grace, and the reverend six bishops, met with an uncorrupted jury, which were guided by conscience, (not imposed upon by the court, but enlightened with the true state of the case, as most judiciously and truly stated by those their learned counsel in the law;) these seven champions for our laws (and therein for all by them we possess) would most certainly have been offered up by the bench as victims of expiation for that guilt, which would (in a court sense) have robbed the crown of its richest jewel; yea, that court philosopher-stone, (the dispensing power) which at pleasure might have turned our properties, liberties, yea, lives, into pure gold; for the estates we possess, the liberty we enjoy, and the lives we live, we have guarded only (next under God) by our laws, which this leviathan at once would have swallowed and totally destroyed.

L. When I consider my lord's declared resolution of his not stirring, though then under the like danger, as in this case apprehended, and with what readiness, courage, and cheerfulness, he could lay down his life for his country; and likewise the knowledge that he may be supposed to have of their designs (which those villains, nine days before his death, declared; for it's sworn they then said, The earl knew so much of their designs, and was so very averse to their interest, that they could never carry them on, unless his lordship was taken off, and his lordship was therefore to be murdered.) I say, when I consider these things, and that the more this honourable lord knew of the black intrigues of the court, the more so good a man, and so true a patriot, must be supposed to hate them; I can't but imagine that this brave state-champion, when he had been once satisfied that the court under colour of law would have taken him off, had *resolved as to himself*, to lay open those popish arbitrary court-contrivances, and justified that just design of standing upon their guard; there was no other way (under God) to defend what was so grossly invaded now, though his lordship might suppose, by dealing thus plainly, he should the more exasperate the court, so that their malice would be more inveterately bent in his destruction; yet that, he declared, he feared not, but was ready cheerfully to lay down his life in so just a cause; and should this daring true lover of his country have thus expired by his state-martyrdom, he would have given such satisfaction in the truth of what he thus courageously, with his last breath, should have affirmed, as would have raised a general hatred against those arbitrary and popish court-resolutions; and this might so suddenly have given another so general a resurrection to that just cause, as would have totally routed those our true and only enemies of both church and state. Our then enemies, under colour of law, were industriously endeavouring the total subversion of our laws, and whilst in shew they seemed to maintain the protestant church, they were secretly contriving its total destruction, by wresting those very laws which were chiefly designed as destructive to popery, and make them productive of what they were enacted to destroy; for, by a malicious and furious prosecution of all protestant dissenters, they did hope to raise so general animosities between the conforming and non-conforming protestants, that they might, through such division, have an opportunity to fulfil that notorious jesuitical maxim, *Divide et impera*.

T. God was pleased not to deliver us, till he had made some sensible of the danger

of that which at a distance they did not so plainly perceive to be hurtful; but affliction soon made them wise, and convinced them of their mistake, and then some of them might truly have said of our law what the psalmist did of the divine, "Before I was afflicted I went astray, but now have I kept thy word." The general danger that threatened all, taught us all it was our interest, as well as duty, to join with that (falsely called unnatural invasion) which, in tender compassion, was undertaken by our present sovereign, to rescue us from our true invaders.

Psal. 119. 67.

Late King James's Proclamation. Nov. 7.

Mr Recorder's Speech to the Prince of Orange.

L. Can any imagine that my lord's declaring, *As for himself, he was resolved what to do*, could give rise to those many reports in such several and far distant places of the kingdom?

G. But, which is more plain, I have been informed, his lordship should, in some cases, justify self-murder, and particularly that action of the Earl of Northumberland, who pistoled himself in the Tower.

T. As for those judicious divines, which have been reported to be the men to whom the earl should justify self-murder (in some cases) some of these have declared, "That they never heard any man more strenuously argue against it, (as what was unjustifiable under any consideration) than my lord hath done." Nay farther, I have been credibly told, "That when my lord was lord lieutenant of Ireland, an eminent citizen of Dublin cut his own throat; and his excellency then declared that citizen ought to be found *non-compos mentis*; for it was his opinion, that no man in his senses ever did cut his own throat." But a stronger argument to me is, what is before at large observed of Major Hawley's suggesting self-murder (for the avoiding a dishonourable and infamous death) to be my lord's fixed principle; and yet this gentleman now denies, not only this suggestion, but likewise declared, "That he never heard it said to be my lord's principle, till their lordships in this committee charged him with it." Hawley's suggestion to the jury I do not doubt, for it's positively sworn against him; but the falsity of the thing suggested is plain from Hawley's now denying it; and that this story had its rise from the same malice that contrived his lordship's destruction: for had this principle been true, how readily would Hawley have justified it, as of what he had been credibly informed? and how serviceable might he have thought it to prove the self-murder? But this gentleman being conscious where this pretended principle was hatched, and what villainous use he himself (according to instruction and order) made of it to the jury, thought it not safe to justify either his suggestion, or his having so much as heard it before my lord's death to be his lordship's principle; for should he have been forced to produce (to him) the authors of this (pretended) principle, it would too plainly have appeared, that these his authors were the forgers of the story. But I will for the present admit, what I am well assured you can't credibly prove, that before my lord's death, his lordship had declared, *That self-murder (in some cases) was lawful*; it doth not from thence inevitably follow, that his lordship therefore must cut his own throat; for some have justified the principle that never thought fit to put it in practice. I will, for argument sake, admit yet farther, that Hawley's suggested principle was true, (viz.) that the Earl of Essex declared he would destroy himself rather than be brought to a dishonourable and infamous death; can it be thought, that from this general resolution (wherein no particular manner of death is declared) all those several previous reports, before observed, should rise? for (to borrow almost the very words of an ingenious author upon this occasion,) "Though they were vented by several persons, yet they not only agreed in the matter of the Earl of Essex's death, but they accorded also in the way and manner of it, and place where, namely, that he cut his throat in the Tower;" which plainly shews that it was not vulgar tattle, vented at random, but had its foundation in a previous and fixed resolution, that he should undergo that unhappy fate, both as to manner and place; nothing but a determinate cause can produce a steady and determinate effect: had the report taken its rise in the jealousies of

his friends, or owed its breath to the fearful apprehensions of the common people, they would have rather dreamed of his being poisoned, as being more safe for the actors to perpetrate, and requiring the accession of fewer hands, than have ever imagined that his throat should be cut. It's impossible to conceive, that the reports of so many several persons should not only agree in the matter of his death, but all harmonize and centre in the very circumstances and manner of it, and place where, unless it had originally proceeded from such as had contrived and determined both the murder itself, and the way wherein it should be committed, and the place where it should be done. For when reports have their foundation only in men's fancies, they will always vary according to the different tempers, passions, and complexions of the reporters; how could so many persons, and at such distances from one another, and betwixt whom there was never any correspondence, agree and combine together to impose upon the world, and to abuse the faith of mankind? and as they all seem to be persons who abhor tricks, and who would not be guilty of spreading, much less of raising a false report, so it is beyond the wit of man to declare, how it should come to the interest of gentlewomen, citizens, and country tradesmen, to be the authors of such a story, that my Lord of Essex had cut his throat in the Tower before it was done, or before knowledge of his imprisonment in the Tower could arrive at some of these places where it was so reported. But that not only the *how* and *where* as to my lord's death, should be the same in all those reporters; but the very *wherefore*, two days before his death be given for the having cut his throat, and *the very same wherefore* that the papists publicly gave out, and industriously spread just after my lord's death: this proves, beyond all doubt, that the matter was so particularly agreed upon by the papists, and *this* reason by them resolved to be given out just after my lord's death; it's plain to all, but those that wink hard, that this pretended reason must be hammered out of the popish forge; for this reason carried in it what none but the most secret in this hellish contrivance could before my lord's death give out; for observe, the reason declares, that the Earl of Essex being prisoner in the Tower, the king and duke came into the Tower to see the Tower, of which the earl having notice, he was immediately afraid the king would have come up into his chamber, and seen him, &c. Now I would willingly know who, besides the most intimately knowing in this matter, could give information two days (viz.) the Wednesday morning (at Andover) before my lord's death, that the Earl of Essex would cut his throat in the Tower when the king and duke were there, because the king should not see him; the king and duke's being there was unexpected, and a surprise to all but to the men of secrecy in this murder, because their being there together was so very rare, that it happened but once in twenty-five years. But of this I have already spoken; and also how this so particular a report, as to the *manner*, *place*, and *reason*, became thus reported in the country so long before my lord's death.

L. Was you ever credibly told that his lordship said he was resolved to destroy himself?

T. No, I have never heard that credibly reported.

L. Or, which is more plain and particular, did his lordship (before his imprisonment) say, that he was resolved to cut his throat in the Tower, when the king and duke should come into the Tower to see him, which his guilt and shame could not bear the thoughts of?

G. Certainly my lord could neither foresee nor expect that the king and duke should come into the Tower whilst he was prisoner there.

L. But you find it deposed, That before my lord's death, (viz.) the Wednesday at Andover: As to his death, the manner how, the place where, and the reason wherefore, are assigned. Now had my lord so particularly declared his resolution, (in which, by the way, as to the king and duke's being in the Tower, he must have prophesied what could not be expected,) then it had been possible that this, and those several re-

ports proved by eight witnesses more, (far distant from, and altogether strangers to each other, all centering in the same manner how and the place where,) might have arisen from this resolution of his lordship so particularly declared.

T. It may be, my lord having heard the papists had resolved to cut his throat, was afraid they would (the more to torment him) not do it like themselves, but botchingly, (as they cut Mr Arnold's,) and therefore, that it might be done at a jerk, and all perfectly finished at a stroke, he was resolved to do it himself, and did it effectually; for though the blade of the razor without the hand was not two inches and a half, he made a wound about three inches and a half deep; (and therein did what by others was mathematically impossible to be done;) and whereas, before that accident, it was the opinion of doctors and chirurgeons, that none could cut through both jugular arteries to the neck-bone on both sides the neck, his lordship was resolved to give the world demonstration of their mistake; and, after all, his lordship stopt the orifice from giving issue to such a quantity of blood and spirits as would naturally have instantly killed him; and, out of malice to the living, that others might be charged with his death, threw the razor out of the window, and then sent the maid down for it, which, having received from her, he retired to his closet, lockt himself in, and quietly laid himself down, and the razor by him, and then gave free passage to that blood and those spirits which he thus miraculously kept so long in.

G. But to be serious, for this is a case of grave, yea, very doleful consideration, did you ever hear all those reasons the bishop then gave?

T. No, but I could wish I had; only this further reason, I think, was given, (*viz.*) what the steward said concerning my lord's desiring him to sit down and drink a glass of wine with him the night before his death.

L. That I do totally disbelieve, for the reasons before mentioned.

T. But whereas you say, Mr H. did second my lord bishop; I do assure you I did hear that ingenious gentleman declare the contrary, and (as a gentleman told me) desired one to vindicate him from that report, which he did totally deny.

G. What was then said by the lords of the committee, after my lord bishop had given the countess's reasons of her silence?

T. I have been told, (how true it is I cannot say,) that the Right Honourable the Earl of D. spake to the countess to this effect: "Madam, the belief or disbelief of a fact neither destroys the existence nor alters the nature of the fact; and we, who are to proceed, not according to private opinion, but legal evidence, have taken the depositions of many witnesses in this case; and unless many of these be villainously perjured, (which as yet we have no reason to believe,) my lord must have been most barbarously murdered."

G. Had the countess or the bishop, before this, seen what was sworn?

T. I suppose neither of these had either seen, or been informed what was deposed to prove this murder; neither could they then have heard what hath in this case been deposed, because many depositions have been since taken before the lords, and, since their lordships' committee was dissolved, before several justices of the peace.

G. I cannot but believe, that if the countess once knew what you have now at large related, her opinion would soon be changed, and her zeal in this prosecution would be as great as could be expected from a lady of her honour and quality: and as for my lord bishop, I am sure none would be more easily convinced upon such grounds as these, neither would any more zealously engage in this prosecution.

T. Of this I doubt not, for no man can have a greater veneration for this reverend father in God than myself; and I think this happy revolution is (under God and his majesty) not a little indebted to the ingenious and indefatigable pen of this judicious and learned bishop.

The next discouragement I shall mention, was the strict injunction, with threats, laid upon many of the soldiers to be secret in this matter.

J. B. and his wife further declare, "That the very next day after my Lord of Essex's death, the aforesaid R. M. told these informants, how that very morning their officer called several soldiers together, and, under very severe penalties, enjoined them not to speak one word of what they had either seen or heard with relation to the death of the Earl of Essex; and therefore the said M. desired these informants not to speak one word of what he had informed them (with relation thereunto) the day before, lest it being discovered, he should be severely punished for speaking any thing of this matter."

L. With what a degree of impudence was this treacherous cruelty stifled!

T. R. the soldier before-mentioned, that very day my lord was murdered, declared, with very great earnestness, "That the Duke of York had so barefaced ordered the matter, that he did believe no man was safe that was not for their interest, so soon as they began thus (in effect) openly to order cutting of throats." This R. did further protest, "That his blood did so boil with indignation against this most villainous and barbarous murder, that could he have got those that would have stood by him, he would have shot the chief author dead upon the spot."

L. Although this author did escape the just indignation of this brave soldier, yet that omnipotent arm (which seldom fails of punishing blood, even in this world, thus treacherously spilt) in vengeance hath pursued him, and (without doubt) the hell within is ten times worse than the trouble without him; for though "the spirit of a man may bear his infirmities, a wounded spirit none can bear:" and certainly a conscience of flint must be deeply wounded with those self-reflections which so great guilt must naturally beget.

L. But what is become of these two honest soldiers?

T. As for M. not long after the Earl's death, he told B. and his wife, and one D., "That he had fallen out with one of the warders about the said earl's death, and the warder had not courage to fight him; but he did verily believe and much fear, that he should be basely murdered for what he had spoke concerning the said earl's murder, and that very day he did much dread he should be destroyed." Wherefore he did desire B. or D. to keep him company that day; but they, fearing themselves might be in danger by being in his company, and having work to do, which they were obliged to finish, they both refused it, and the next morning they heard the said M. was found dead in the Tower-ditch, just over against Major Webster's house.

L. Surely blood upon blood must force down vengeance from Heaven. But what became of R.?

T. All the account can be had of him is this, that not long after the earl's death, he was drawn out of the Tower, and sent beyond seas to the East-Indies, and there, at some fort, shot to death, but upon what account we cannot learn. I fear several other soldiers have been murdered, to prevent the discovery of this unheard-of piece of villainy; for as I was, not long since, discoursing in a coffee-house concerning this M.'s being murdered, a gentleman told me, that by his neighbour's shop door there stopt three soldiers, a little after M.'s death, and one, looking very melancholy, said, "He did fear he should be murdered (as poor M. was) for speaking somewhat which he knew about the earl's death; for he did observe himself dogged several days by two men; (which he did suppose were Irishmen;") and this soldier did then desire those his two fellow-soldiers to take notice of what he had told them; "and if he were missing, and could not be found, they should conclude that he was murdered for this very reason."

L. Did this shopkeeper know either of those soldiers?

T. No; nor did he think it safe to make any enquiry into the matter, lest he should fall under such misfortune as had befallen others for meddling herein; you can't but

find most men are for observing that maxim, *Felix quem faciant, &c.* Happy is he whom other men's harms do make to beware.

L. Certainly these things must hasten vengeance. If that soldier, who was in this danger, be now living, he may with safety (and, I am sure, it's his duty) appear, and discover what he knows; or (if with others) he be treacherously murdered, it were well those his two fellow-soldiers would testify what that poor soldier had informed them; this in justice they are bound to do, and there is no danger in doing it: such as now do refuse to testify their knowledge in the matter consent to the blood of the slain, and one day must expect to answer it.

T. Hawley the warder, intimately acquainted with Major Hawley, (at whose house my lord was murdered,) was found dead in the Medways, about April next after my lord's death, (having been murdered in a most barbarous manner). This Hawley was supposed to be taken off to prevent the discovery of what he knew in this matter; for a little after Mr Hawley was missing, (viz.) about a month before he was found dead, a warder then in the Tower (supposed to be a papist) told Mr A. S. (who had long lain under the pressure of the then misgovernment, and then there a prisoner, without any evidence to justify the commitment,) "That Hawley was run away for prating somewhat about the Earl of Essex;" but how he ran away, a short time discovered.

This Hawley was in Westminster-hall when Mr Braddon was upon his trial, and said, "He much wondered upon what Mr Braddon should stir in this thing, when, to his knowledge, Mr Braddon knew nothing." A gentleman then present, who knew Mr Hawley, looked on this expression as what argued Mr Hawley not a stranger to the matter; wherefore this gentleman immediately said, "Mr Hawley, if you know Mr Braddon knows nothing of this matter, what must you then know?" Upon which Mr Hawley seemed surprised, (having too far expressed himself,) and made no reply.

G. I have been informed by a warder in the Tower, that this Mr Hawley the warder, as soon as he heard the news of the earl's death, immediately declared, "It was a damned piece of roguery throughout."

T. This Mr Hawley was very rich, and a warder only to exempt him from parish services; but he never waited, unless it were on very solemn occasions; and that very day my lord died he was waiting, and (as declared by several) was one of the warders that attended on the person of the Duke of York, whilst he was in the Tower, that morning the earl died.

L. If so, he might well observe the duke's sending the two men to the earl's lodgings just before his death, and their return to his highness, as Mr E. deposeth; and M. and R. declared, with several other passages which might to him discover that barbarous murder, and then he had cause enough to say, "It was a damned piece of roguery all over."

G. Good God deliver us from such bloody-minded men!

T. Several reports were as industriously as maliciously spread about town when Mr Hawley was first missed; some to influence people to believe that this Mr Hawley, through discontent with his wife, was very melancholy, and had declared, 'twas better to make away with himself than live such a vexatious life with so turbulent-spirited a woman. But in this they most grossly abused them both; for no woman could shew greater respect to a husband, nor any husband be more kind to a wife. Another report was, that Mr Hawley had often declared, he did really believe if a man withdrew from his relations and friends for half a year, (and suffered none who knew him to know where he was, but to possess all men, by such his concealed absence, that he was indeed dead,) and then to appear in a surprise amongst his relations, this great surprise would be as pleasing to the person that withdrew, as it would be astonishing to his friends; and therefore it was (pretended to be) believed by some, that Mr Hawley had privately withdrawn under this consideration; but six weeks discovered his person, and

time may likewise detect those bloody and barbarous men that murdered him. They were so very cruel in this murder, that his face was so changed, through violence, that it could not be known to be his; and there was nothing that did more (if any thing did besides) discover the body to be his than his having three stockings upon one leg, and two stockings and a seer-cloth upon the other: as for his clothes, they were stript off, and nothing but stockings and shoes remaining on when the body was found.

L. Certainly that God, who requires blood for blood, (and who by this ordered the discoveries of the person,) will, in his great wisdom and justice, by some means or other (of which his wisdom is never to seek in the choice, or his power in the use) discover these instruments of cruelty, that in this life they may receive their just reward, which is, for the most part, (though sometimes after many years,) duly paid towards such vile offenders.

T. Besides this addition of blood, other violent methods were used to prevent a discovery, by punishing such soldiers as seemed to disbelieve (upon very good grounds) my lord's self-murder: this appears by this information following, viz.

"Richard Jorden declareth, That (sometime that summer the Earl of Essex died, and not long after the said earl's death) he saw a soldier tied to the wooden horse in the Tower, (by order of Lieutenant-colonel Nichols,) and whipt after a very cruel manner." And this deponent heard the said lieutenant-colonel tell the soldier, he ought to be hanged. This deponent further declareth, "That he was just after informed by the marshal that whipt the said soldier, that, by order of Lieutenant-colonel Nichols, he gave the said soldier fifty-three stripes; (though the usual number was but twelve;) and that the said soldier had lain a fortnight before in close custody, and been fed only with bread and water; and all only for the offence following, (viz.) Some short time after the death of the late Earl of Essex, a divine coming into the Tower, the said soldier was sent with him to shew him the Tower, and as the doctor was almost over against Major Hawley's, the doctor asked the said soldier, which was the chamber wherein the late Earl of Essex did cut his throat? Whereupon the said soldier (pointing to the chamber in which the earl had been prisoner) declared, That is the chamber in which it's said the Earl of Essex cut his throat. The doctor then asked the soldier, what he did believe? To which the soldier answered, That he did believe in God; but being prest by the said doctor to tell him whether he did believe my lord cut his throat, the said soldier then replied, He would not say he did believe it; for which only saying the punishment aforesaid was inflicted."

Dr H. of Norfolk, prebend of Norwich.

L. Such extravagant punishments upon so slight grounds was enough to deter all other soldiers from discovering what they knew; for if this soldier, for only declaring "he would not say he did believe my lord did cut his throat," was thus barbarously whipped, what must such soldiers expect as should have asserted my lord was by others murdered; and gave their reasons for such belief, by telling what they saw and heard with relation to this perfidious and cruel murder? Most certain this would have met with (if possible) worse whipping than Doctor Oates ever suffered, or been punished by some private stab, or other destruction, to avoid the matter's being brought upon the public stage.

G. I do remember Meake is said to have declared, the day after my lord's murder, "That many soldiers were enjoined to secrecy." It were well if these would, according to their duty, appear and declare what they know, and by whom they were thus basely commanded to be secret; for this officer could not but believe, that whoever gave him orders to lay that injunction was privy to the murder, and therefore this officer was grossly criminal in being this instrument to stifle the detection; and most certainly are those soldiers criminal which shall not now appear, and judicially declare what they

know to be true, so that justice may have its due course against those most barbarous and vile offenders. For, if the time of this bare-faced cruelty against such soldiers that knew any thing of this matter, and revealed it, was *a time of silence*, most certain, now the government joins in the prosecution, *is the time to speak*; and whosoever refuses now to speak, becomes not a little criminal in such his silence.

L. I have been informed the father of William Edwards was turned out of his place for what his son had said.

T. That the father was turned out about nine days after Mr Braddon's trial, is very true, and this done by special order, under King Charles the Second's own hand, without any cause shown, or any reason to be guessed at, any other than his son's offence.

L. I do remember at Mr Braddon's trial, Mr Wallop (whose courage and zeal for the liberty of the subject hath been notorious in the most dangerous times,) did suggest that the father thought himself in danger of losing his place from what his son had declared. Whereupon my Lord Chief Justice Jefferies very sharply reproved Mr Wallop, for reflecting (in this) upon the government, as though the father should be punished for the son's speaking what he knew. If the suggesting the danger of the place was a reflection upon the government, most certainly the government did strongly reflect upon itself, in turning old Edwards out, and giving no reason for such dismission; which made him conclude, and all the world believe, that the father was turned out only for his son's relation.

T. The old Jewish unjust proverb was here inverted, for "the son had *eaten* sour grapes, and the father's teeth were set on edge;" so that this transgression (in its punishment) did directly ascend, and the father answered for the son's iniquity, or rather for what the then government falsely called so.

L. I think every man's own transgression is enough for him to bear.

T. I shall conclude all with what after my lord's death passed, as to Webster and Holmes, which seems to confirm the truth of their guilt in this matter. I shall begin with Webster.

The very day of my lord's death, Webster brought home to his house my lord's pocket-handkerchief all bloody, and shaked it, seeming extremely overjoyed, saying, *there was the blood of a traitor*; and the very next day pulls out of his pocket a purse of guineas, and in great joy shaked it; one of his neighbours told the gold, and found there was 49 guineas and a French pistole.

L. I doubt not but he had a much greater reward for so remarkable service.

T. That without doubt; for this fellow (which was under-bailey of the Tower liberty) immediately puts himself into a garb much above his quality, with his fringe gloves, either all gold, or part gold and part silk, and all other things answerable thereunto; and being thus flush with both gold and silver, he frequents the gaming ordinaries; but his clothes, and the quantity of gold and silver he then brought, surprised the company which knew him, and all admired at the sudden change; for he who before used to play hardly for 10*s.* at a sitting, would now throw at ten times so much at a main; but his fortune was so very bad, that it's generally believed he lost at gaming above 400*l.* in six months time next after my lord's death: All that knew this fellow, admired how he came thus supplied with money; most believed he had used the pad, for all that were acquainted with him were satisfied his principles would act in any thing for his interest.

L. By what this fellow gamed away, it's plain the first fifty guineas was but a small part of his hire in this treacherous and bloody tragedy; but it seems his extravagancy lost what his villainy got by this unheard-of piece of cruelty: So that the old proverb was herein verified, "Ill got ill spent."

T. This fellow, by such his extravagancy in fine clothes, keeping his gelding, ga-

ming, whoring, and almost all that is ill, reduced himself in less than a twelvemonth to his former poverty; so that one of his wife's relations was upbraiding her with her husband's necessity: The wife replied, "Her husband not long before was not so poor, for he had 500 guineas:" At which the relation being surprised, told her, "It was impossible for him to have such a sum by honest means, for his ale-house, and being under-bailey, could hardly get him bread." But his wife pretended his trade got it.

G. What trade,—gaming?

T. No, she mentioned nothing of gaming, but his alehouse-keeping. But that appears to be false, for before my lord's death he could not out of his trade pay his brewer, but owed him a very considerable sum, 30 guineas whereof he paid just after my lord's death; and the brewer admired how he came to pay him all in gold; but since he hath heard how it's suspected this money was procured. It seems what money the wife received for beer, this fellow (without having any regard to the payment of his brewer,) would take from her, and spend in ill courses; and if his wife refused to give him what she had, he would abuse her, not in words only, but blows, which made his wife one time tell him, "That he was a fool as well as a rogue to use her so ill, when he knew it was within her power to hang him, and one in the Tower;" once naming (as I have been informed) Major Hawley for the man in the Tower.

L. This woman was mistaken, for it was not within her power to touch the hair of this fellow's head by her discovery of this matter, as long as this villain stood guarded with so great a protection, as both the interest and life of the chief contrivers, whose power then was such, that had this woman charged her husband or Hawley with being concerned herein, her accusation would, without doubt, redound to her ruin, and she would have been most barbarously used for declaring this high and dangerous truth: And of this safe-guard this bloody villain being well assured, he feared not what his wife or any else could charge him with.

L. If this woman had a true sense of things, she could not but know it's her duty to discover this matter, in the concealment whereof the duty to her husband can never excuse her.

T. But this loose fellow long since turned away that wife, pretending she was never married to him, but that she got another whore to dress herself up in man's apparel, and go to Duke's-Place, there personating him, and so in appearance married.

L. If such a thing was, then this was by contrivance between this whore and rogue, so that they might live in shew man and wife, which if any should deny, there was a certificate ready to be produced. But I am inclined to think they were really married, for it's improbable this trick should cheat the parson.

T. Your saying that the relation of a wife will not justify the concealment of a murder by the husband, puts me in mind of a very remarkable story of that kind, and the relation is this: "A certain gentleman being melancholy, peevish, and ill-natured, carried himself very ill-humoured towards his wife, (a very fine virtuous lady) many times beating her, though she behaved herself in all respects as a woman of very great virtue and observance towards her husband, and endeavoured what she could to conceal her husband's cruelty towards her; but the matter was so notorious, that her ill usage could not be kept so secret, but that many of her neighbours knew it to be too true. Amongst the rest, a certain gentleman extremely pitied this unfortunate lady, for whom (though he kept it unknown from the lady) this gentleman had a very great kindness, and hoped he might marry her when her husband died, of which there had been a long expectancy, the husband being very consumptive: But his disease outlived this gentleman's patience; wherefore he was resolved to murder the husband, (that he might marry the wife;) yet this kept so very private from the knowledge of the wife, that nothing was farther from her thoughts than such treachery, (for this gentleman and her husband, in shew, were intimate friends.) This bloody man, one day

walking with the husband nigh a very large deep pond, endeavoured to throw him in; and as he was about it, the husband told him, that some of those very ducks then in the pond should detect that perfidious murder he was about to commit: To which the other replied, he would venture that, and so threw him in, where he was drowned; but being well known to be extremely melancholy, it was generally believed, that in some melancholy distraction (to which he had been subject) he threw himself into the pond, and there drowned himself. This was generally believed, and none seemed in the least to doubt the truth of it. Some time after the husband's death, this murderer courts the widow, and marries her, after which they lived very happy together for some considerable time; at length, one night as some ducks were roasting at the fire, the husband looking on the ducks, burst out into a great laughter; the wife desired to know at what he laughed; to which he answered, at somewhat of which the sight of the ducks put him in mind; the wife desired him to tell what that was, but he prayed her to excuse him, for he would not tell. The more averse he was to reveal it, the more desirous she seemed of knowing, but the husband would not then discover it to her: That night, as they were together in bed, the wife did again renew her former request, in which being very importunate, the husband (after he had solemnly enjoined her to secrecy) gave her a particular account of the murder of her husband, which in substance you have before heard. The wife was hereupon extremely concerned, though in words seemed not then much to resent it, but the next morning she repaired to some judicious friend, (and notwithstanding her promise of secrecy, she could not be quiet in her mind till she had revealed it,) and desired advice thereupon; to which she was answered, that if she concealed the murder, she thereby consented to it; and though her first husband was very cruel, and this as kind, the first husband's blood, thus treacherously spilt, cried for vengeance, in which she would most certainly partake, if she did not discover her husband's confession, wherein there seemed to be a very remarkable providence. The wife objected the nearness of the relation, and the promise of secrecy, but to both these she was answered, that there is no relation so dear as justice, and no promise contrary to the rules thereof, ought to be made, or kept if made, for that is not so properly being faithful, as being a confederate; for faithfulness being considered as a virtue, it's consequently to be exercised only in things just and honest; for in other matters it is not properly (morally speaking) called fidelity, but a criminal concealment. The wife being thus persuaded, repairs to the magistrate, who forthwith orders the husband to be seized, who as soon as apprehended confessed the whole matter, and was deservedly executed."

G. I think the wife in this case must be in a very great strait, for the temptation to secrecy could not but be very strong; but I find in the old law, "That if the wife, or the nearest relation in blood, or a friend which was as his own soul, did but so much as secretly entice to idolatry, the relation or friendship in this case was to be no impediment to the discovery, prosecution, and punishment; for the person thus enticed was not to pity, spare, or conceal his relation or friend, but was positively commanded to kill him; his hand was first to be upon him, and then the hand of all the people." Now, most certainly such a villainous and treacherous murder, attended with such aggravations, must be most odious in the sight of God, whose first express law did positively enact, That "whoso sheddeth man's blood, by man shall his blood be shed;" the reason whereof follows, "for in the image of God made he man."

Deut. 13, 7. &c.

L. In my opinion this wife did what she ought to have done; for though it may well be supposed that there was a strong conflict between her affection towards her husband (especially when the best, in succession to the worst,) and her duty to justice; yet it's most certain the latter ought to have the ascendant; for whosoever loves husband or wife, father or mother, brother or sister, more than what is just, righteous, or good, (for that is the meaning of, *more than me*) at the last day most assuredly shall be

rejected by *Him* who hath positively enjoined us "to hate all those relations for his sake and the gospels," or (which is the same) for our duties sake, considered as Christians. But how much higher aggravations do attend the unparalleled murder of this honourable though unfortunate peer!

T. I shall now say but one thing more with relation to Webster, and that is this: When Webster was before the honourable committee, Mr Braddon desired their lordships' leave to ask Webster one question; which being granted, Mr Braddon demanded of Webster, "Whether the next day after my lord's death, he did not produce to such a man a purse of gold, about 40 guineas, and a pistole." Webster denied it; Mr Braddon desired him to recollect himself, and be positive; Webster declared, "He was positive he did not, nor to his remembrance in his life ever shewed that man any gold, much less so great a sum." Mr Braddon perceiving some of their lordships seemed angry the question was put so plain, after Webster had withdrawn Mr Braddon informed their lordships, "That Webster (as he had been told) was a sort of a hanger-on at gaming-houses, (where he could play but for little, being very poor,) and should this fellow understand it was positively sworn against him, that he did produce such gold, in all probability he would forge somewhat in answer to it, and it was not unlikely but he might pretend that those guineas he had won at gaming, and was overjoyed at being so rich; with this his invention (upon deliberation) might furnish him, in which his presence of mind under guilt could not be so ready; but if hereafter he should so pretend, it would plainly appear to be false, having so positively denied it to their lordships; when, had it been true, it would have immediately occurred to his mind, and as readily he would have given it in answer."

L. Doth not Webster still deny the producing any gold?

T. No; but pretends the gold he shewed Osborne was what he had won at gaming.

G. That sham can't now take against his positive denial before their lordships.

T. I shall lastly speak of Holmes, and then conclude. It seems Holmes and his wife often quarrelled, and sometimes Holmes would beat her. One day, as he was abusing her, she was heard to say, "He was a murderous rogue;" and she told him, "That he could not but remember that she could hang him when she pleased;" to which Holmes answered, "That he little thought she would have spoken of it, who, of all the world, had the least reason." For, said this scurrilous fellow, "You bitch, you whore, don't you remember that I bought you a good satin gown and petticoat, and therefore you above all the world ought not to prate." To which she replied, "He was a murderous rogue for all that."

L. By the falling out of murderers, murder is many times detected; a very notorious instance of which I have often heard related, which was as followeth: "A waterman and his servant in the night, carrying a gentleman down the river, whom they perceived to have a great charge about him, these perfidious villains, by signs, concluded to throw this gentleman overboard, which they did accordingly, and so drowned him, and then shared the spoil; soon after which, they both lived much beyond their former circumstances, at which all that knew them admired; but none but themselves knew the reason, till many years after, when these two being drunk, and at play, fell out about their game, and they were then overheard to accuse one the other in this matter, the master the man, and the man the master, as the most criminal. Upon which they were both seized, and they then confessed the whole matter, each endeavouring to aggravate the guilt of the other, in mitigation of his own." But they were both thought deserving of death for their cruel treachery, and were executed accordingly.

G. Had we not already been too troublesome to you in this particular and satisfactory relation, I should beg one favour further.

T. Your further satisfaction in this matter may command from me whatsoever is convenient to be told, and beyond that I desire you not to move me.

G. More than you have already declared I don't now desire to know; but I perceive there have been very many persons in this case, sworn to many particulars, so that the relation of the whole matter hath been long, but to me not tedious, because I have received full satisfaction in that, wherein before I was extremely abused by misinformation. Sir, if it may not be too tiresome to you, I would desire you to abstract the most material proofs before mentioned, and give us, as short as you well can, the substance of what is before deposed.

T. In this I shall readily serve you, but I shall not observe the very same method as before, but shall begin with the disproof of my lord's self-murder, by destroying those forged informations which would prove him so; and, secondly, shall prove him barbarously murdered.

First. For the disproof of the self-murder.

The Right Honourable Arthur, late Earl of Essex, was committed to the Tower, Tuesday the 10th of July, 1683, and there were placed over his lordship two warders, (viz.) Monday and Russel, and one servant, (viz.) Paul Bomeny, permitted to be attending on my lord; the very next Friday morning, about nine of the clock, his lordship was found dead in his closet, with his throat cut through both jugular arteries to the neck-bone.

Now, seeing our law presumes every man destroyed by violent hands is murdered by others, unless such evidence appears as gives satisfaction in the contrary, and proves him a self-murderer, this lord had been found barbarously murdered, had not Bomeny, Monday, and Russel appeared to prove otherwise, and they endeavour to prove it (shortly) thus.

My Lord of Essex (they say) called for a penknife to pare his nails, which penknife not being ready, he required a razor, which was accordingly delivered him, with which his lordship having pared his nails, he retired into his closet, and locks himself in, and there cut his throat, the razor (before delivered to pare his nails) lying by the body.

But that this relation is forged, and that there was, *First*, no razor delivered to my lord to pare his nais, nor had his lordship pared his nails with any.

Secondly, Neither the body locked into the closet, nor,

Thirdly, The razor lying locked in by the body, when my lord was first known to be dead, is evident from what follows, which clearly detects this forgery. For the first of these, that there was no razor delivered to my lord.

This appears by the contradictions of Bomeny, Russel, and Monday, as to the time of the delivery of this razor; for Bomeny first swears, he delivered this razor to my lord to pare his nails on Friday morning at eight of the clock; and within two hours, positively swears in the deposition himself writ, that he delivered it on Thursday morning at eight of the clock (being the day before his death); and this as to the Thursday he swears positively and circumstantially; positively, for he doth expressly name Thursday as the day on which the razor was delivered; and circumstantially, for he doth swear the razor was delivered the very next morning after my lord came to Captain Hawley's, and his lordship went to Hawley on Wednesday the 11th of July. But

Russel swears a point-blank contradiction to Bomeny's oath; for Russel deposeth, and now declares, That on Friday morning, in less than half an hour before they found my lord dead in his closet, he stood as warder at my lord's chamber-door, (Monday that morning having first stood as warder on my lord, and was then gone down to stand below stairs) and heard my lord ask Bomeny for a penknife to pare his nails, which not being ready, his lordship required a razor, which he did immediately see Bomeny deliver his lordship. But

Monday doth as directly give the lie to Russel as Russel did to Bomeny; for Monday, the day my lord died, declared, he saw my lord have a razor in his hand, paring his nails with it, at seven o'clock that morning my lord died, and this about two hours before Russel came up to stand as warder at my lord's chamber-door.

Wherefore, unless it can be reconciled how this razor should be delivered Thursday morning at eight of the clock, according to Bomeny's oath, and yet not delivered till Friday morning nine of the clock, within half an hour of the time his lordship was found dead, and delivered whilst Russel stood warder at the chamber-door, as Russel deposeth; and notwithstanding this, my lord to have had the razor, and pared his nails with it, two hours before Russel came up stairs to stand warder at my lord's chamber, as Monday declared, the very day my lord died;—I say, unless these contradictions can be reconciled, it can't be thought that any razor at all was delivered: And then, whereas all declared my lord pared his nails with the razor, by strict observation, it appeared his lordship's nails were not newly, before his death, either pared or scraped.

Secondly, That the closet-door was not locked upon my lord's body, appears by the contradictions of these three, as to the opening the closet-door.

Bomeny first swore, he did open the door, (when my lord would not answer upon his knocking at the door) and there saw my lord lying dead in his blood, and the razor by him, and he then called the warders; but immediately swears in contradiction to his first oath, that he peeped through a chink of the door, and saw blood and part of the razor, and then, *without opening the door*, ran and called Russel, who thereupon first *opened the door*; and at Mr Braddon's trial, swears he knew not who opened the door.

Russel deposeth he did first open the door, and makes no difficulty in it; then comes Monday, and gives the lie to both: For

Monday (the very day my lord died) declared (what he hath since often confirmed) That neither Bomeny or Russel could stir the door, my lord's body lay so close and hard against the door; and he being stronger than either, put his shoulders against the door, and pressing with all his might, broke it open.

Whosoever there is that can reconcile these contradictions (in these three men's relations) and make all appear credible,

——*Erit mihi Magnus Apollo.*

A further argument, that the closet-door was not locked upon the body, appears by my lord's legs lying upon the threshold of the closet-door, when the body was pretended not to have been stirred from its first posture.

Thirdly, That there was no razor lying locked in with the body, when the body was first found, appears by the bloody razor's being thrown out of my lord's chamber-window, (which is about seventeen foot distant from the closet door, where the body lay,) and no noise of my lord's death, till after the maid carried up the razor, which maid thereupon first discovered my lord's death.

And, as yet other arguments of the perjury of these perfidious villains, add the mathematical impossibility of the wound, seeing not above two inches of the razor must be without my lord's hand, (had he done it himself,) and yet the wound above three inches deep. Moreover, by many eminent doctors and chirurgeons, the wound is thought to be naturally impossible to have been done by my lord himself, because, upon cutting the first jugular artery such an effusion of blood and spirit would have immediately thereupon followed, that nature would not have been strong enough for to cut through the other jugular artery, to the neck-bone on the other side, much less to make so many and so large notches in the razor against the neck-bone, as an old foolish or K— chirurgeon suggested to the coroner's jury.

Wherefore, by what is before observed, as to the many contradictions, it plainly appears, that these three (as it is said in the History of Susanna, verse 61,) are convicted of false relations by their own mouths; and those other arguments, before observed, are further detections of these three men's perjuries. It then remains as at first, (viz.) that here is a body found dead by violent hands, and the manner of the death not discovered, (for it can't be, according to these three men's relations, for the reasons before observed.) The conclusion that the law makes in such cases in this therefore holds good, (viz.) that this honourable lord was murdered by the violent and cruel hands of barbarous and bloody-minded men.

Secondly, For the proof of the murder. In this I shall first consider what is most material, which passed before my lord's death.

Secondly, The day of his death. And then,

Thirdly and *lastly*, After the day of his death. In the

First, Before my lord's death. I shall consider,

First, The previous resolutions by papists to cut my lord's throat. And then,

Secondly, The many previous reports before my lord's death, that his lordship had cut his throat in the Tower.

For the first of these, D. S. declares, "That about nine days before the death of the late Earl of Essex, she heard several papists consulting together, concerning the said earl: And this informant heard them say, the Earl of Essex was to be taken off, and that they had been with his highness, and his highness was first for poisoning the earl; but that manner of death being objected against, it was then said, one did propose to his highness, stabbing the earl, but this way his highness did not like: At length his highness concluded, and ordered his throat to be cut, and his highness had promised to be there when it was done." Some few days after, some of the aforesaid persons declared, "It was resolved the earl's throat should be cut, but they would give it out that he had done it himself; and if any should deny it, they would take them, and punish them for it."

Secondly, For the previous reports before my lord's death.

It's proved by eight several witnesses, that before the earl's death, (or before it could be known) it was reported, That the Earl of Essex had cut his throat in the Tower; amongst the rest, it was at Froome, which is about an hundred miles from London, the Wednesday morning, and at the same time at Andover, about sixty miles from London, though at neither of these places, especially the former, could it then be known that the earl was a prisoner in the Tower, his lordship being not committed to the Tower till the Tuesday in the afternoon. All these reports agreed in the manner *how*, (viz.) cutting his throat, and the place *where*, (viz.) the Tower; and (which is further) at Andover, the Wednesday morning before my lord's death, it was reported, not only in the manner *how* and place *where*, but likewise the pretended reason *wherefore*, was given; for it was then and there said, that the Earl of Essex being a prisoner in the Tower, and understanding that the K. and duke were come into the Tower, his lordship was afraid the K. would have come up into his chamber and seen him, of which his lordship's guilt and shame would not bear the thoughts, and therefore he did cut his throat to avoid it. This being declared two days before my lord's death, when it could not have been in the least fore-thought that the king and duke would have come together into the Tower, where they had not been above twice together since the Restoration,—I say, this previous report, which so particularly clothed this action with the *how*, *where*, and *wherefore*, clearly proves, that all things were so resolved upon to

be done, or otherwise it is impossible it should have been reported under these three essential qualifications, as to *manner, place,* and *reason,* before it was indeed done, especially at Andover, where it could not then be supposed to be known that my lord was so much as a prisoner in the Tower: This reason the papists themselves gave out just after my lord's death.

Secondly, What passed the day my lord died.

These then attending on my lord, (viz.) Russel and Monday, the warders, Bomeny the servant, and Lloyd the centinel at the door, did all deny that day my lord died, that there were any men let into my lord's lodgings that morning before my lord's death. But it now appears that there were some ruffians, a little before my lord's death, sent into his lodgings to murder him, which they did accordingly.

R. M. a soldier in the Tower, that morning my Lord of Essex was murdered, about one of the clock, that very day, nigh Aldgate, told B. and his wife, "That the Earl of Essex did not cut his own throat, but was barbarously murdered by his royal highness's order:" For the said Meake declared, "That just before the earl's murder, his highness sent two men to the earl's lodgings to murder him, which after they had done, they threw the razor out of the window." Likewise, a soldier that morning in the Tower, about eleven of the clock, that very morning my lord died, in Baldwin's-Gardens, informed G. and H. "That the Earl of Essex did not cut his own throat, but was barbarously murdered by his royal highness's own order." For the said R. then declared, "That a little before the earl's murder, his royal highness parted a little way from his majesty, and then two men were sent into the earl's lodgings to murder my lord; which, when they had done, they did again return to his highness."

Mr E. declares, "That he saw his royal highness, just before the earl's death, part a little from his majesty, and then beckoned to two gentlemen to come to him, who came accordingly; his highness thereupon sent them towards the Earl of Essex's lodgings, and about a quarter of an hour after, this informant saw these very two men return to his highness, and as they came they smiled; and to the best of this informant's hearing and remembrance, said, The business was done; upon which his highness seemed very well pleased, and then went to his majesty, to whom the news was immediately brought, that the Earl of Essex had cut his throat."

Lloyd, the centinel at my lord's door the day my lord died, (till the 21st of January last) did deny the letting in of any men, (and Russel and Monday still deny it,) but now Lloyd doth confess, That just before my lord's death, two or three men, by Major Hawley's special order, were let in, and immediately he heard them (as he did suppose they were) go up stairs into my lord's room, where there was a very great bustle and stir, so great, that this centinel declared he would have forced after them, had not the first door been made fast; upon the bustle, he heard somewhat thrown down like the fall of a man, which he did suppose was my lord's body; soon after which, it was cried out, *My Lord of Essex hath cut his throat.* Here is not only these men's going in, but a great bustle confessed immediately thereupon to ensue in my lord's room, and the body of a man in this bustle to be thrown down; this is in a close prisoner's room, where no one is admitted but his servant; and those that kept the door denied upon oath that any were in my lord's chamber that morning my lord died, before his death. But these warders being supposed privy to the fact, would not own the admitting of those men, which themselves let in with such a murderous design; and it is to be presumed, that this centinel was not a stranger to the matter, but enjoined to secrecy; for otherwise he would never have declared to a friend, under a repeated request of secrecy, that this confession (as before) laid upon his conscience and troubled him night and day; for though it was indeed very true, that he did let in these men, it was what

he should not have confessed. This confirmation to his acquaintance (under a great and repeated injunction of secrecy) argues, *first*, That this confession was indeed true; and,

Secondly, That there is some cursed confederacy (it's probable by oath) entered into to stifle this murder; for what other probable reason can be assigned for that trouble of conscience in this confession, seeing himself at the same time declared it was true, though he should not have said it? There are some other arguments that this centinel was *particeps criminis* in the privity; first, his retraction in part of what he did confess; for, upon his being first apprehended, he owned the throwing out of the razor before my lord's death was known; but now he retracts, and disowns it. Another instance of his privity is his now prevaricating, in his now pretending that these men were let in an hour, or more, before my lord's death; whereas, at first, he declared they were let in immediately before my lord's death; for, as soon as let in, he heard several go up stairs into my lord's room, and heard the bustle, &c. as before. A third argument of this centinel's privity, is his not declaring the whole truth, which he must know; for one at a greater distance, that saw these ruffians as they were bustling with my lord, and heard the bustle, did likewise hear one of these in the bustle, (as it seemed to be) and therefore presumed to be my lord, cry out very loud, and very dolefully, *Murder! murder! murder!* The centinel, who could hear the trampling, or indeed the very walking in my lord's chamber, could not but hear this *Murder*, so loud and often repeated. It appears, by five cuts in my lord's right hand, viz. two upon his fore-finger, one upon the fourth finger, another on the little finger, and the *fifth*, about two inches long, in the palm of his right hand, that his lordship in this bustle made great resistance, for these cuts can be supposed to be done no otherwise than by endeavouring to put off the cruel instrument of his death.

The next thing that I should observe, which happened the day my lord died, and gives us reason to believe the murder, is the irregularities committed upon the body, before the jury saw the body; the body was stript and washed, and the room and closet washed, and my lord's clothes carried away, (though all men know the body should have remained in its first posture till the coroner's jury had seen the body.) Sir T. R. (as himself saith) declared to the lords, "That the body was not stirred from its first posture till the next morning about ten of the clock;" to this Sir Thomas hath not sworn, (for he was not sworn before the lords) and it's well he hath not, for herein he is so much mistaken, that the contrary can be proved by almost twenty witnesses. Had the body remained in its first posture, by my lord's cravat's being cut in three parts, the jury would have plainly seen that his lordship could not do so with the razor; and then, secondly, they would have perceived the print of a bloody foot upon my lord, as he lay in the closet, by which it appeared some one had been with the body in the closet; and several other material circumstances might have been discovered, which by the total (illegal) alteration of the circumstances of the body, &c. were destroyed.

About three of the clock in the afternoon that day my lord died, some of those bloody men (who had been at the consult) met at Holmes's house, and one of them leaped about the room as overjoyed; and as the master of the house came into the room, he strikes him upon the back, and cried, *The feat was done*, or, *we have done the feat;* upon which the master said, *Is the earl's throat cut?* to which the other replied, *Yes;* and farther said, *He could not but laugh to think how like a fool the Earl of Essex looked when they came to cut his throat.*

To destroy the testimony of this D. S. Holmes hath produced two witnesses, who (by

many witnesses) appear to be forsworn in every part of their depositions. His defence being false, his charge therefore may be concluded true.

Thirdly and *Lastly*, What passed after the day of my lord's death.

That very morning several soldiers (which were presumed able to discover what was material with relation to my lord's death) were called together, (as M. then said) and enjoined to secrecy under very severe penalties.

About ten of the clock in the morning, the next day after my lord's death, the jury met, and were surprised to see all the circumstances of my lord's body changed from what was first discovered.

After the jury had seen the naked body at Hawley's, the coroner adjourned them to a victualling house in the Tower, one of the jury demanded a sight of the clothes; but the coroner was immediately called into the next room, from which returning to the jury in some heat, he told them, "It was the body, and not the clothes, they were to sit upon; the body was there, and that was sufficient."

One of the jury then said, "My Lord of Essex was esteemed a very sober, sedate, and good man, (which Bomeny then confirmed, saying, His lord was a very pious man) and therefore it was improbable so good a man should be guilty of the worst of actions." Upon which M. Hawley told the Jury, "They were misinformed in my lord's character, for every man that was well acquainted with my lord, well knew that it had ever been a fixed principle in my lord, that any man might cut his throat, or any otherwise dispose of his life, to avoid a dishonourable and infamous death; wherefore this action, which they thought unlike his lordship, was according to my lord's avowed principles." But M. Hawley, on being charged before the lords, did utterly deny having heard of it till he was charged with having suggested it. Besides, he had not been with the jury, though some of them who had were for adjourning the inquisition. Here the major stepped in, and protested that his majesty had sent an order for their proceeding, declaring he would not rise from the council till the result was known. But the major was too well known to the coroner and jury that they should all be mistaken. The timing my lord's death, and the speedy removing it away to the Old Bailey, was asserted to be a sign of his guilt from heaven, and of the truth of the charges upon my Lord Russel, then upon his trial, and thus of the greatest patriots were to be destroyed at one blow.

The unjust methods and violence used to prevent any search after, or discovery of, this unfortunate lord's death, are farther rational inducements for sober men to believe this murder, when they find that L. B. was committed as soon as he came to Whitehall with the persons to be sworn with relation to my lord's death, and this before either himself or any person had been examined, and consequently before any criminal could appear against him. And afterwards Mr Speke and he were prosecuted, and represented (especially the last) as the worst of criminals, though nothing like a trial was proved against him, admitting for true every thing sworn at the trial, where those in whose custody my lord was, and consequently who were to be accused of my lord's murder, were called a CLOUD of witnesses to prove the self-murder. One of the coroner's jury was prosecuted for saying, that he considered they were infatuated to prove my lord *felo de se*; and a poor old soldier received fifty-three strokes, (instead of twelve, to which he was sentenced,) and was told he deserved hanging for what he had said. Honest Robert Meake said he knew that he should be murdered for saying what he did; and next morning was found dead in the Tower-ditch.

Now whether the cloud (three or four) of witnesses in whose custody my lord was, to avoid being charged with treacherously consenting to my lord's murder, with hal-

ters about their necks, endeavouring to prove my lord's self-murder,—or that great cloud of (upwards of sixty) witnesses (for more have been, and will be, examined to my lord's murder) which swear not for their own lives, but stand *recti in curiâ*, being persons unprejudiced,—deserve the most credit, must be (in convenient time) revived, and afterwards be brought to such other judicatures before which this matter may hereafter be brought, till when it is not proper to publish what might farther be said. But you are already furnished with sufficient grounds to satisfy some (who have been deceived by misinformation) that there are more arguments than could have been expected to clear his lordship's innocence, and less reason for them to believe that such villainous practices as have been suggested (as some pretended friends would insinuate) were employed. It must be left for posterity to judge which part of the witnesses are more entitled to be credited.

A Letter from a Lawyer in the Country to a Member of Parliament; or Indemnity the Effect of Vacancy.

When the first fervour of the revolutionary impulse was over, men began to look back with some feelings of apprehension upon the determined steps which they had taken against the royal authority.

SIR,

I REMEMBER, in one of your former letters, you were pleased to desire me to send you the general opinion of the country concerning the vacancy of the throne, and how they seemed to stand affected upon it: And I then returned you in answer, that your proceedings therein were very well approved of; for it could not be imagined, that so many of the nobility and gentry would have been so ready to have hazarded their lives and fortunes as they did, without a just and reasonable cause; nor that so many gentlemen of estate and quality would have appeared in this parliament, if they had not been entirely convinced of the safety and innocency of their appearance; neither the people of England who chose them, nor the persons elected, could be imagined to admit themselves guilty of high-treason, the greatest crime of the law: And if there had not been a vacancy of the throne, by the late king's abdication of the government, no less a crime than high-treason could have been imputed to them. But since that point hath been so solemnly determined, the nation is entirely satisfied that the parliament

have thereby set forth a declaration of indemnity to themselves and all others; and therefore it was, that by the universal consent of all people, their majesties, King William and Queen Mary, were proclaimed in all places with so much joy and satisfaction: There was something in that vote that pleased all manner of persons, as soon as they had a right notion of it; they looked upon the nation as newly baptized from all its sins and corruptions, and that every man was to begin the course of his life upon a new basis and foundation; when they saw no public accusation was like to happen, every man began to condemn himself; some their ambition, vanity, and pride, that cast a mist before their eyes; others their mistaken interest and fears; some began to review the principles of loyalty and government which they had imbibed from their infancy, under the doctrine of passive obedience; others condemned their unfortunate compliance of "doing evil that good might come of it;" but all looked back with safety, as well as resolution of amendment, upon their past errors. Those who never saw any changes of government, and had little experience in such affairs, thought themselves sufficiently provided with a stock of bought wit, to make them good subjects for the public, as well as cautious and prudent as to themselves. Thus whilst every body reflected upon their own miscarriages, they could not but see that a few evil ministers at helm had been the cause of all this misery, both to *themselves* in particular, as well as the *nation* in general; and therefore some extraordinary act of attainder against those evil counsellors was all that was expected, or can be approved of by the generality of the people of England: And the rather, because it is so publicly known with what zeal his majesty hath recommended a most general and express act of oblivion for all his subjects, with exceptions only of such evil counsellors as you in your great prudence and mercy should think fit. Matters being in this posture with us in the country, and such being the common expectations of all men, I must confess I found that general vote against those that omitted to take the oaths did not only affect the persons concerned, who, I'll assure you, are very numerous, and have many friends and relations that pity their case, but I perceived all sorts of people concerned at it; for they looked upon it as a leading card to their own miscarriages, though of another nature: All those that were concerned so much in addresses and abhorrences in the reign of King Charles the Second, who are a great part of the church of England; and all those that signed addresses, or other papers, for taking away the test and penal laws, who are a great part of the dissenters, (not to mention a multitude of great offenders, who cannot expect to fare better) are terribly afraid of these proceedings; and where there is fear, there you will always find hatred and aversion. So that I may safely say, that the consequences of these things are dangerous at such a critical juncture of time; and though the evil effects thereof may not be so visible to the world, yet I fear this nation may too soon be sensible of them. Therefore it is that I have thought fit to put you in mind of that abdication and vacancy, which being voted by you as a matter necessary both for your own particular indemnity, as well as the general interest of the nation, the benefit therefore cannot without some inequality (not to say more) be denied to the more general miscarriages and offences of the nation. But there are some zealous men in the world, who being lately freed from severe usage themselves, are not contented with revenge against their particular adversaries, unless they can involve all mankind (friends as well as foes) in troubles and afflictions. And from such men as these, who are neither willing to admit of this, nor any other act of indemnity, I meet with several objections, which I thought fit to give a sudden answer to, for your private satisfaction; and that with all the submission and deference imaginable to the wisdom of our superiors at this time assembled in parliament.

Object. I. That nothing is more common in our law-books, than to find offences committed in one king's reign to be called in question and punished in the reign of his successors; and that their present majesties (whom God long preserve) being crowned king and queen of England, &c. there is the same reason in this as in all other cases.

Resp. There are indeed many cases and instances of that kind; but the reason why there may be a retrospect in such cases, is a clear illustration why there may not be in this. There is as much difference between the two cases, as there is between a descent and purchase at common law: The heir by descent may distrain upon the tenant for rent, partly incurred in the life of the ancestor; but a person that comes in by purchase cannot. The law casts a freehold upon the heir by descent before entry; upon a purchaser it doth not. But in the case of the crown, there seems a much greater difference in the case of a descent to the crown, the same politic capacity remains *in esse*, though in another person; and therefore it is said in such a case, "That the king never dies," but he is said only *dimittere coronam* upon the next heir; for in such a case the law allows of no interval, or *inter-regnum*, but the regal power is immediately devolved upon the next heir by construction of law. And since the politic capacity remains without interruption, and the execution (or punishing power) of the law is lodged in the king, by reason of the politic capacity, and since all offences are committed *contra coronam et dignitatem suam*, against the king, by reason of his politic capacity and not by reason of his natural; that is, against him *quatenus rex*, and not *quatenus homo*: Where the regal power continues without interruption, and therein the executive power of the law; there offences against that power do continue also, and may be punished.

But in this present case, where there is a total vacancy of the throne by the late king's abdication of the government, both the natural and politic capacity, and therein the entire subject of the executive (or punishing) power of the law, is in judgment and construction of law totally merged and extinct by lessor and devolution of the government upon the people; and where there is a total failure both of the politic capacity and of the executive (or punishing) power, there must, by consequence, be an indemnity to all offenders.

Where there is a total vacancy of the throne, or regal power, there must be a vacancy of offences against that power.

And the late King James could not abdicate the government, but he must also abdicate that which was inseparably annexed to it, viz. The executive power of the law, unless you will support as great a miracle as transubstantiation, by preserving an accident, or abstracted power, without its subject.

Object. II. There are some offences which are not only against the king, but, being against the fundamental constitution of the government, are offences against the people also; and those offences may remain, notwithstanding an abdication of the regal and punishing power.

Resp. What these offences against the people are we do not find determined in our books of the law; but this I have often read, That the king may pardon all offences whatsoever: And where the king may abdicate the government from his heirs, though he could not dispose of it from them *à fortiori*, he may abdicate the punishment of all offences, where he had a right to pardon them.

But, *secondly*, let the offences be of what nature they will, if they must be punish-

ed at this day, the indictment must run to this manner, (for instance, in the case of treason):

Quod A. B. nuper de L. gen' ad falsos proditor' contra Illustrissimum et Christianissimum Principem Jacobum *secundum, nuper Angl' &c. Regem, ad finem supremum et ultimum Dominum suum, timorem Dei non habens, nec debitum, ligiancium suam ponderans, sed instigatione Diabolica seductus cordialem dilectionem et veram et debitam obedientiam, quam verus et fidelis subditus dict' nuper Regis erga ipsum Regem gerere et de jure gessisse tenebatur, penitus subtrahere, delere et extinguere intendens (viz. die anno et loco) false, malitiose et proditorie conspiravit, imaginatus fuit, circumivit et compassavit dictum nuper Regem interficere, et eo mortem et finalem destructionem adducere,* and so forth—And then concludes, *Contra ligiancie sue debitum, ac contra pacem dicti nuper Regis, coronam et dignitatem suam.*

The like form, *mutatis mutandis*, is to be observed in all lesser offences. Now, if no such offence can be punished but by indictment of this form, for committing such a fact against the peace of the late King James, his crown and dignity, since his crown and dignity are totally vacated and extinct, how can any offences remain?

Object. III. That by a late act of parliament for reviving of actions and processes, and for supplying other defects relating to proceedings at law, it is provided, that in indictments, informations, or actions, wherein conclusions used to be *[contra pacem Domini Regis]* to conclude *[contra pacem Regni]* and the indictments shall be good, though the words *[Domini Regis Coronam et Dignitatem suam]* be omitted.

Resp. That this statute extends only to offences committed between the 11th of December, *anno* 1688, and before the 13th day of February following, and not to any offences committed before the late king's departure, nor after the proclaiming of their present majesties: So that this statute can be no real objection, but, on the contrary, may rather seem to enforce the precedent argument. Nay, here seems an authority of this present parliament in this point; for they agree and have thereby determined, that after the abdication of the government, all indictments *contra pacem Domini Regis, Coronam et Dignitatem suam*, are void: But at this day no offences committed before the late king's departure can be punished, but by such an indictment or information; therefore they cannot be punished at all.

Object. IV. That this opinion is of the first impression, and only promoted by some guilty lawyer, one of the ringleaders of all our late miseries; and that it would be inconvenient that those evil counsellors, who by their advice had almost sacrificed the nation to popery and slavery, should reap the benefit of such an indemnity.

Resp. It is not desired that they should; but such as the parliament in their great wisdom shall think fit, are by all people freely submitted to a bill of attainder. The representatives of the nation may, if they please, supply the defect of a jury; and, after hearing the parties in their own defence, inflict what punishment seems just and countable in their great judgments upon particular persons.

This is a lawyer, you well know, intends nothing but the publick good, and humbly conceives this opinion is as ancient as the other upon which it's grounded: But having

for some years withdrawn himself from practice, humbly begs a favourable construction of such an hasty letter.

As to all those worthy members of your acquaintance, that neglect their own concerns for the publick service of the nation, you may assure them, that nothing is so much wanting amongst us in the country, as an express act of indemnity, which the people do humbly hope that their majesties, in their great goodness and clemency, will not permit to be any longer delayed, especially since your own proceedings give them such a title to it. When that is past you will find England will be united, the throne established, and no hopes left for France.

* *Et præstat* Cautela *quam* Medela.

Reflections upon our late and present Proceedings in England.

"Before King William's government," says Ralph, "was a fortnight old, the press, which had hitherto been so serviceable to his views and designs, was made use of against him; and he himself was so little able to bear the freedoms which his own party had so freely used, that he caused the following order to be set forth in the Gazette, viz.

"Whereas there are divers false, scandalous, and seditious books, papers of news, and pamphlets daily printed and dispersed, containing idle and mistaken relations of what passes, with malicious reflections upon persons, to the disturbance of the public peace, which are published without any authority, contrary to the laws in that case provided, his Royal Highness the Prince of Orange has thought fit to order and require the master and wardens of the Company of Stationers, and Robert Stephens, late messenger of the press, to make diligent search in all printing-houses and other places, and to apprehend all such authors, printers, booksellers, hawkers, and others, as shall be found to print, sell, or disperse the same, and to have them before the next justice of the peace, to the intent they may be proceeded against according to law; for the due execution whereof all mayors, justices of the peace, and officers, are required to be aiding and assisting to them as there shall be occasion."—*Ralph*, ii. 20.

Though no man wishes better to the protestant religion in general, and the church of England in particular, than I do, yet I cannot prevail with myself to approve all those methods, or follow all those measures, which some men propose as the only security both of the one and the other.

Never perhaps was there a more proper time wherein to secure our religion (together with our civil liberties) than now offers itself, if we have but the skill and honesty rightly to improve this critical opportunity; but if we shall either let it slip, or abuse it, we may in vain hereafter wish that we had been wise in time; and have cause to repent of our error, when it will be too late to correct it.

What we do now will transmit its good or ill effects to after ages, and our children yet unborn will, in all probability, be happy or miserable, as we shall behave ourselves in this great conjuncture. They are likely to enjoy their religion, laws, and liberties,

according to the old English standard, if we shall now take the right course to secure them.

But if we do engage in wrong counsels, and build upon false foundations, instead of a blessing we may leave a curse to our posterity, and entail upon them popery, slavery, arbitrary power, and all the miserable consequences of a divided kingdom, which (as sure as the word of God is true) can never stand.

Let us not therefore be too hasty, but pause a while; let us make a stop, look about us, and consider, First, What we have done. Secondly, With what intent we did it. Thirdly, What it is that some men would be at. And, fourthly, Whether we can in honour and conscience join with them in the designs now in hand.

I shall confine myself to these heads: But here, before I enter upon any of them, I shall take it for granted that the Prince of Orange hath done a great thing for us, and (under God) hath wrought such a deliverance for the nation, as ought never to be forgotten, and can never be sufficiently requited. He must be mentioned with honour and gratitude, so long as the protestant name shall be remembered: He came not as the ancient Romans and Saxons, to conquer, and lead in triumph after him our religion and laws, our lives and liberties, but to defend, preserve, and secure us in them all. To this end he undertook this dangerous and chargeable expedition, which hath hither to proved as much to our advantage as it will be to his lasting reputation: What he has done argues, that he is moved by an higher principle than any this world affords, and can overlook his own ease and security, when the publick good, and the concerns of Christianity, require his seasonable assistance. I could easily make a panegyrick upon his virtues, and equal him to the most famous Grecian or Roman captains; but I need not set forth his praises, which do so loudly, and yet so silently, speak for themselves. I need not draw any tedious parallels betwixt his highness and the worthies of other ages, since I am, I question not, herein prevented by all who have read the history of former times, and are witnesses of what he (with so much courage, mildness, and prudence) hath done in this.

1. Things prospered so well under his conduct, that all of us were ready to submit ourselves to his direction, and come under his protection, as the tutelar genius of the nation. The effects of his enterprize have been so strange, so wonderful and surprising, that had we not seen we should scarce have believed them.

As soon as the prince was landed, with what joy and universal good wishes was the news received? How forward were all sorts of people to declare for his highness? How willing were they to lend him an helping hand for the accomplishing his great work? How did we all generally concur, and unanimously agree to forget our obligations to our sovereign, and assist the prince rather than the king against ourselves, and his own true interest?

Nay, the army itself soon began to go over, chusing rather to lie under the imputation of cowardice and disloyalty (which yet a true Englishman had rather die than really deserve) than to be instrumental in enslaving their native country, and bringing it again under the papal yoke.

In short, all orders of men, ecclesiastick, civil, and military, had their eyes fixed upon the Prince of Orange as their common deliverer, were resolved to espouse his cause; and accordingly (after the king was withdrawn) did put the regal administration into his hands.

2. So far we have gone; this we have done; and we hope that (the case being extraordinary, and necessity giving a dispensation) the intent of our proceeding will at least excuse, if not justify us, if we have not kept ourselves within the common laws of action.

For let every man lay his hand upon his heart, and seriously ask himself, for what reason, and with what intent, he became a party in this general defection? Was it

utterly to ruin the king and subvert the government? Was it because he was displeased with the ancient constitution, and had a mind to mould and fashion it to his liking? Was it because he had an intent to shake off the government (that easy, equal, well-poised, and never-enough-to-be-commended government, as King Charles I. calls it,) of the English nation? Was it any honest man's meaning to subvert this government, to make way for his own dreams of some Poetical Golden Age, or a Fanciful Millenium?

Was it (let me ask again) to divest the king of all power to protect his subjects, and then to pronounce roundly, that all the bonds of allegiance to him are dissolved? Was the end of our uniting together to bind his hands, and then prick this doctrine upon the point of our swords—Protection and allegiance are duties so reciprocal, that where the one fails wholly, the other falls with it?

Was it to frighten the king out of his dominions, and then to vote that he hath abdicated his government?—Was this the intent, and were these the reasons of our declaring for the Prince of Orange? No, certainly; whatever some obnoxious and ambitious men might aim at, all good Christians and worthy patriots had other intentions, and were led on by other motives.

They were sensibly concerned for the preservation of their holy religion, in the first place; their lives, their laws, and liberties in the next. After the way which some call heresy, so were they desirous still to worship the God of their Fathers: And after that manner which some might say was rebellion, so they thought themselves obliged to stand up for the laws and liberties of their forefathers.

For these ends, and for bringing about these worthy purposes, they withdrew themselves from the king's personal service, that they might be the better enabled to serve his real interest. They hoped by this means to deliver him from his evil counsellors, and secure both him and his subjects from the evil and pernicious practices of some wicked and unreasonable men.

3. These and such like were the inducements which prevailed with all well-affected and honest men to withdraw from his majesty, and suspend the actual exercise of their allegiance for the present, that they might afterwards exert it according to the fixed and stated rules of law, conscience, and right reason.

But now, how contrary is this to those new models which some politick architects are proposing to, or rather imposing upon, the nation? What is it they would be at? and what are the ends they are driving on? are they just and good? are they generous and honourable? or are they not rather such as would undermine the government both in church and state, and reduce us to a state of nature, wherein the people are at liberty to agree upon any government, or none at all?

Plainly, they would reduce us to the Dutch, or some other foreign measures (which how well soever they may agree with that country where they are settled and confirmed partly by custom, and partly by the peculiar necessity of their affairs) can never be well received in England, till an act be passed to abolish monarchy, episcopacy, and all the fundamental laws established by Magna Charta, and all succeeding parliaments ever since.

The Enquiry into the Measures of Submission to the supreme Authority is a treatise calculated for the times, but surely it is not written according to the principles and practice of the church of England in the time of the renowned Queen Elizabeth: I am apt to think that some regard was then had to the passages which we find in the scriptures (especially the Old Testament) relating to the Measures of Submission. But these examples weigh nothing with our author, because they are not for his purpose, page 5, 6. I am also apt to suspect that Queen Elizabeth would not have thanked any politician for vending this as a certain and fundamental principle, "That in all disputes between power and liberty, power must always be proved, but liberty proves

itself; the one being founded only upon a positive law, and the other upon the law of nature," pag. 4. She, I persuade myself, on the contrary, would have challenged any such statesman to have proved his liberty; as for her power, (she would have answered,) it was ready to prove itself against all who should presume to question it. But what's the meaning of "power being founded only on a positive law, and liberty upon the law of nature?" Is not a father's power founded (as he grants) upon the law of nature? and is not all power, even of the greatest princes, (as far as it is just and honest, and for the benefit of the subject,) derived from this paternal authority of the father over his son? Besides, doth not the law of nature prescribe the necessity of putting power into the hands of one or more for the benefit of the whole, which otherwise would be in danger of destroying itself by intestine divisions? In short, if liberty be founded upon the law of nature, so is all just and lawful power, since the end of it is only to regulate our liberty, and in truth to make us more free. Liberty, in general, is a right to use our faculties according to right reason; and the law in particular tells us which are those rules of right reason by which we must govern ourselves. And what is law but the commands of the supreme power (wherever it is lodged, in the the hands of the prince, the senate, or the people, or of all of them together) ordering what we are to do or avoid, under the sanction of particular penalties?

I beg the learned author's pardon for questioning his measures: In my judgment they are not taken from the English standard, and therefore I hope I may, without offence, use my liberty in refusing them (a right which proves itself) till he can prove his power to impose them.

The Enquiry into the present State of Affairs, is a discourse which seems (by its bold strokes) to resemble the former. I will say no more of it but this, if what he there lays down for a certain truth be really so, then all that follows must be granted as reasonable deductions from this fundamental principle; but if this be false, all that he hath said falls to the ground for want of a firm and solid foundation to support it.

Now the position, which (like a first principle in mathematicks) he takes for granted is this, "It is certain (says he, pag. 1) that the reciprocal duties in civil societies are protection and allegiance, and wheresoever the one fails wholly, the other falls with it." This is his doctrine, which I have mentioned before, but shall now consider a little more particularly.

'Tis indeed most fit and reasonable that protection and allegiance should always go together, and accompany one another; but that they do not do so, is but too plain in the present case of England. But doth it follow, that because the king is not in a capacity to protect his subjects, therefore he is no longer to be looked upon as a king? And if he be a king, doth not this suppose that he hath some subjects? And if so, I would gladly know what kind of subjects they are who owe no allegiance?

But let this question be ruled by his own instance, the duty betwixt father and son. Suppose my father to be so destitute that he cannot, and so perverse that he will not protect and sustain me; suppose him as churlish as Cain, and as poor as Job, yet still he is my father, and I am his son; that is, he still retains all that power which (by the law of nature) a father ought to have over his child. Still the relation holds betwixt us, and whilst it doth so, the father's faults or necessities cannot evacuate the duty of a son, which is founded not in the father's good will or abilities to defend him, (though it must be confessed they are chiefly considered,) but in that fixed and immutable relation which God and nature have established betwixt them, not to be dissolved but by death. So that if this learned author will yield (as he seems to do) that kingly power is nothing else but the paternal, consigned (by the common consent of the fathers of families) to one person, upon such and such conditions, (specified in the contract,) I cannot see how this relation betwixt king and subject can any more be utterly dissolved than that betwixt a father and his son.

I shall say no more to this discourse; and if what I have already said do offend either against the principles of reason or the law of England, I am willing to be corrected, and acknowledge my error.

There is another little paper which yet gives such a great stroke to the government, that it ought not to be passed over without some animadversion. The sheet which I mean is that which is called Advice before it be too late, or A Breviate for the Convention. This paper bespeaks its author to be of the same complexion and principles with him who writ The Word to the Wise, and The four Questions debated. They do all of them suppose that the government is fallen to its centre, or root from whence it sprang, that is, to the people (as the Word to the Wise expresses our present case.) I know not what can be a more effectual answer to these pamphlets, and take away the foundation upon which they argue, than that maxim in our law, received by all honest and learned lawyers, *The King of England never dies.* For if so, how is the government lapsed? And if it be not lapsed, how can the throne be said to be vacant? And if the throne be not vacant, we are still a body politick, (consisting of head and members,) though much distempered and out of order, by reason of the infirmities of the head. We still live, though we are not in good health; and our case doth not require the sexton to make our grave, but calls for the physician to apply proper remedies to cure our disease. If the king can die, 'tis such a defect in our government as doth strangely disparage it, and farther supposes that (which hitherto we are all to learn) the crown is not successive.

Now if it be successive, it cannot be disposed of by the will of the people, but only by the will of God, who in that very moment calls the lawful heir to the crown, wherein he is pleased to put a period to the life of his predecessor. If it be said that the voice of the people is the voice of God, I believe that (should this be granted) it would not do their business; for I doubt not but that if the poll was taken, and the question put to all people who are of years of discretion, the answer would be, That they have still a king, and that they are as willing to keep him as they are desirous to exclude popery for ever, that which hath made both him and them so unhappy. This, I do not much question, would be the anwer, if we should appeal to the sense of the people in general, who yet (if the government be fallen to them) must be allowed to have a right of suffrage, and a liberty to speak their minds as freely as other commoners in this great convention.

Further still, if the king never dies by our law, how can he be lawfully deposed? For by deposition the throne necessarily becomes void for some time. There must be some interstice, some space of time, before they who deposed a king can set up another; and till the king in designation be actually invested with the regal office, there must of necessity be an *inter-regnum*, that is, the king (contrary to the mind of our law) may die.

The government of England always supposes a monarch regulated by law, and therefore 'tis presumed that he can do no wrong; that is, though he may err as well as other mortals, yet the law, of which he is the guardian, brings no accusation against him, but only against his evil ministers. If, therefore, the king hath erred, (as doubtless he hath very much,) in God's name let his ministers be called to an account; but why must the government be dissolved, and the king arraigned, condemned, and deposed to make way for any new scheme of government whatsoever, whether French, Italian, or Dutch?

Our history indeed affords two examples since William the First's time, that of Edward the Second, and the other of Richard the Second; but they did both of them actually resign; and besides, what they did or was done to them ought to preclude the right of no succeeding prince. These examples ought no more to be urged than the stabbing King Henry the Fourth of France, or the murdering King Charles the First of England.

The historian, in the life of Richard the Second, gives no very good character of that

parliament, which passed the vote for this deposition: "The noblemen (says he) partly corrupted by favour, partly awed by fear, gave their voices; and the commons (commonly are like a flock of cranes) as the first fly, all the followers do the like."—*Continuat. Dan. Hist. p.* 46.

Let it be here observed, that I do not dispute whether the king, together with his parliament, may not regulate and entail the succession as shall by them be thought fit, but only whether whilst the king lives whether the throne can be vacant, and the government be truly said to be lapsed? This we deny: But however, supposing that these things may be so, who can make so fair a claim (and so generally satisfactory to the people) as the next heir by proximity of blood; I mean (if the Prince of Wales be proved suppositious) that incomparable lady the Princess of Orange?

These reflections I have thought fit to make upon some new notions of our present statesmen, by which we guess what they would be at. In my opinion I think it is but too evident that they are taking advantage of our present fears and distractions, to run us into those extremes which the state (as well as the church) of England hath always carefully avoided, and taken particular care to provide against.

4. In this design can we in honour and conscience go along with them; whom yet we cannot but highly esteem and value for their learning and parts, and more especially for their happy and successful labours in rescuing us from those gross corruptions of Christian religion and human nature, popery and slavery?

But shall we run into popery, and perhaps slavery too, when we have been so long striving against both, and are now (thanks be to God) in a great measure freed from the danger of either? And is not the deposing a popish doctrine? And is it not as antichristian for any assembly to put it into practice, as it was for the council of Lateran at first to establish it?

And as for slavery, must not a standing army be necessarily kept up to maintain a title founded only upon the consent of the fickle and uncertain people (granting that the major part of them are willing?) And in such a case must we not be beholden to the goodness of the prince, rather than the protection of our laws, if an arbitrary and despotick power be not again introduced?

We have as yet no law which wholly disables and excludes a popish successor from the throne; and till we have one (which I question not but we shall have soon) I do not see how we can disannul the king's title, or vacate his regal capacity, howsoever his power may be restrained. Innovations without former precedent are always dangerous, especially those of this nature. It will be much more wise, as well as safe, to bear with some inconveniences, than bring upon ourselves those mischiefs, which such unparalleled proceedings may produce.

The Prince of Orange in his additional Declaration hath these words: "We are confident, that no persons can have such hard thoughts of us as to imagine that we have any other design in this undertaking, than to procure a settlement of the religion, and of the liberties and properties of the subjects upon so sure a foundation, that there may be no danger of the nation's relapsing into the like miseries at any time hereafter."

How far some persons may extend this clause [that there may be no danger of the nation's relapsing into the like miseries for the future] I cannot tell; but for any one to understand it so, as if his highness meant that there could be no security against the nation's relapse, if the king be not deposed, and he himself put into possession of the throne, is (I am sure) an interpretation very disadvantageous to his honour, and looks more like a jesuitical equivocation, than that candour and Christian sincerity, which hath brightened and rendered illustrious all the actions of his highness, both at home and abroad.

The Answerer also to the Reflecter upon his highness's Declaration, will not permit us to harbour any such suspicions, as if a crown was the end of this expedition. "All such

(says he, pag. 23, 24,) as believe the Prince of Orange has brought this army, and intends to make war upon England, and subdue it to his mere will and pleasure, trample all laws both divine and human under feet, dethrone his present majesty, and make himself king; they will stay and fight for him (*scil.* the king) or at least to the best of their power, in some manner assist and help him: On the contrary, such as believe that the prince's meaning is nothing of all this," &c.

Here, you see, that this author (who, it is to be supposed, was not unacquainted with the prince's intentions) utterly rejects it as a false imputation, that his highness came to dethrone his present majesty, and make himself king. Nay, he thought himself obliged so fully to declare against this scandalous report, that he seems to have encouraged all those who believed it to stay and fight for the king; or at least, to the best of their power, in some manner assist and help him. So far was this gentleman from entertaining any such thoughts of the prince's expedition; which some men, nevertheless, do now so industriously make the effect of it.

There is another thing which makes well-meaning men apt to suspect the present management, and withholds them from closing with it so fully, as otherwise, it's probable, they might do. That paper which goes under the title of the Prince's Third Declaration, is (as I am credibly informed) none of his, and is disowned by the prince himself. Now this pretended declaration (coming out when the army was in such a dubious condition, and fluctuating betwixt the king and the prince) did more harm to the king's affairs, than all the other papers (I believe) published at that time.

And if this was no real, but a sham declaration, and yet was permitted without contradiction, it is plain that sophistry and tricks are made use of as lawful policies, and that any kind of means are permitted, if they will but do the business, and serve the present turn. This makes plain and honest men, who have no ends to serve, but what are just, and are willing to use no kind of means but what are so: This makes them shy and cautious of engaging too far in those designs, which they see carried on by crafty and deceitful artifices, working under a military power and force ready to defend them.

I might mention the great number of papists in the Dutch army as another dissuasive from venturing ourselves in this bottom: We are afraid of papists of all sorts and of all countries, German and Dutch, as well as French and Irish; the constitutions of the one may be more harmless than of the other; but the principles of both (we know) are equally destructive; and when occasion serves, who knows but that the principle may prevail over the constitution, and the papist get the better of the Dutchman? 'Tis ill trusting popery in any shape: This is a root, which, wherever it is planted, can bring forth no good fruit. The bogs of Holland cannot (we think) make it less malignant than those of Ireland.

To come to a conclusion, there remain several things to be cleared, before we can altogether comply with what is now prosecuted with so much zeal.

That the Prince of W. is a supposititious child; that a league was made by our king with the King of France for the destruction of his protestant subjects, and rooting out our religion, under the notion of the northern heresy; that the late king was poisoned; and that the Earl of Essex was murdered; these things we desire may be proved; and then we cannot but agree, that nothing can be too bad for the guilty authors.

These are such damnable villainies, such horrid crimes, that both the principals and accessories ought to be esteemed and treated no better than tories and banditti, men of seared and profligate consciences, forsaken of God, and enemies to mankind.

But then seeing these are such heavy accusations and grievous charges, they ought certainly to be well proved before they be believed, and produced as arguments against

the life, honour, and estate of any person; for *si satis esset accusasse, &c.* If it be enough to accuse, where should we find an innocent person?

If these dreadful things can be made out, it would, I believe, not only confirm protestants in their deserved detestation of popery, but create even in the minds of honest papists themselves, an aversation to their own religion, when they shall see it contriving and executing such cruel and unnatural works of darkness.

To see a father setting up a pretended son against the interest of his own undoubted children; to behold a king bargaining for the destruction of his own subjects; to represent to our minds one brother preparing the deadly cup for the other, who yet ventured his crown rather than he would exclude him from the hopes of it in reversion; to look upon the same royal person plotting and managing the assassination of a captive and helpless peer;—these are such dismal sights and melancholic scenes, so full of horror and barbarous cruelty, that they must needs make sad impressions upon the hearts even of the boldest spectators; insomuch, that if they were proved, they would effectually prejudice all men against the author of such monstrous barbarities, and go near to extinguish all obligations of duty which otherwise they might owe to his person and authority.

We must therefore call again for the proof of these things, or else we cannot (because we ought not to) believe them upon bare surmise and hearsay. If these accusations be cleared once, who can reverence the person guilty of them, as the father of his country, and not rather avoid and fly from him as the worst of tyrants?

But if these things be still kept in the clouds, and wrapped up in uncertain ambiguities, all wise men will think that it would have been better, if they never had been mentioned; because this doth but raise the people's zeal for the present, which (if not kept up by real evidence) will be apt to turn to the other extreme, and commiserate the cause which before it prosecuted with so much violence. The higher men's resentments are raised by objecting the most notorious crimes, the lower will they fall, if truth and plain matter of fact doth not back and maintain them. And this is an advantage which I would not have us give our adversaries in these things, no more than we have done in the matters of dispute betwixt them and us. Here we have proved all our charges against their religion; let us therefore prove, or else not so eagerly insist upon these accusations brought against their persons.

I shall add nothing farther, but my real wishes, that I could (though with the loss of all that's dear to me in this world) contribute to the utter exclusion of popery by all lawful means; and I do, and shall always pray for a blessing upon their designs, who sincerely endeavour to procure a settlement of the religion, liberties, and properties of the subjects, upon so sure a foundation, that there may be no danger of the nation's relapsing into the like miseries at any time hereafter.

A Letter to a Member of the Convention.

This Tract was composed by the celebrated Dr Sherlocke. William was scarce settled in the government ere he lost the affections of the Church-of-England men. The following pamphlet

was published to influence the public mind towards a treaty with King James: we have already observed that the eminent divine by whom it was composed, for some time refused to take the oaths to William and Mary, and was severely censured when he did so, by the party whom he deserted.

SIR,

I hear you are elected a member of this next convention, and therefore expect to see you very suddenly in town; but I can tell you my mind more freely in writing, and you may think better of it when you see it before you; and therefore I have rather chose to give you the trouble of this paper, than to leave all to a personal conference at our next meeting.

I will not dispute with you about what is past, or what is to come; it is too late to do the first, and as for the second, whatever becomes of other arguments, interest is most apt to prevail, and therefore all that I beg of you, is to take care that you do not mistake your own and the nation's interest in a matter of such high concernment.

There is no less affair before you than the fate of princes, and of three kingdoms, which requires the most calm, mature, and deliberate advice; and yet when you come to London, you will find such distractions and divisions in men's counsels, that all the threatening dangers of popery were not a more formidable prospect to considering men. All old animosities are revived, and new ones fomented every day; some are visibly acted by ambition, others by revenge; the dissenter is very busy to undermine the church, and the commonwealths-man to subvert monarchy, and the Lord have mercy upon us all. I doubt not but you will readily confess, that it is the common interest to have things settled upon such a bottom, as is most like to last, and then, I am sure, you must consult both law and conscience in the matter, and keep to your old establishment as near as you can; for when there are so many distempers in men's minds, and such contrary interests, it is no time to innovate; it is no time to lay new foundations, when there are frequent earthquakes, which will not give them time to settle: The revolutions of state have been so quick and sudden of late, that all prudent men will be cautious how they try experiments, which are commonly dangerous and uncertain, but especially in matters of government, which depend on the good liking of free and moral agents; and when so many hundred thousands are to be satisfied, you can never guess at the prevailing opinion, by the major vote of a convention.

Let us, then consider, what is most likely to give the most general satisfaction to the nation; for that, I am sure, is most likely to be lasting. And because you may be a stranger to these matters yet, I will give you an account of the different projects now on foot, as well as I can learn them.

Some are for sending to the king, and treating with him to return to his government, under such legal restraints, as shall give security to the most jealous persons, for the preservation of their liberties, laws, and religion; and if he will not consent to this, to make the next heir regent. Others are for declaring the crown forfeited or demised, and proclaiming the Princess of Orange. Others will have the government dissolved, and begin all *de novo*, and make the Prince of Orange king, or crown him and the princess together, and postpone the title of the Princess Anne, till after the prince's death, if he survive the princess. I shall not pretend to tell you, which of these I should prefer, were it *res integra;* for the question is not, which you and I should like best, but which will be the firmest foundation for the peace and settlement of these kingdoms.

1. As for the first, though it be horribly decried, and such men foolishly exposed as friends to popery and arbitrary power, yet I could never meet with any man yet who

had the face to reject all treaty with the king upon any other pretence, but that it was in vain, that it is impossible he should give any security to the nation that he would govern by law; which is so ridiculous a pretence, that it will satisfy no body but those who are resolved that he shall never return. For, as little as I am versed in this matter, I could frame such laws as should put it utterly out of the king's power to invade our liberties or religion; however I am sure we should have thought ourselves very secure would the king have called a free parliament, and given them liberty to have made what laws they pleased; and that which would have given such general satisfaction before, had it been granted, I suspect, should it be now granted and refused, that would give as general dissatisfaction; nay, the very refusal to treat will be thought such a scandalous neglect of our duty to a sovereign prince, and give such jealousies to people, that those who oppose it are only afraid that the king should comply, as will be the foundation of universal discontents, which will shew themselves upon the first occasion. It is certain, would the convention treat with the king, either they would agree, or they would not agree; if they could not agree upon the proposal of reasonable securities, this would satisfy multitudes of people that they had tried; if they did agree, this would give universal satisfaction, and there were an happy end of all our troubles.

But now let us suppose that part of the convention should prevail which is against treating with the king, and for deposing or setting him aside without more ado; let us consider what is like to be the most probable consequence of this.

It is certain this fundamental change in the goverment cannot be made by any legal authority; for the convention will not pretend to any such legal power, and there can be no parliament without a king; and a king whose whole authority depends upon a convention that has no such authority, is but in a weak state as to civil right: no man will think himself bound in conscience to obey him, and when every man's conscience is free, let such a prince beware of epidemical discontents. And let you and I calmly consider what discontents may probably arise upon such a juncture.

1. First then, all those who think themselves bound by their oath of allegiance to defend the king's person, crown, and dignity, who wonder at men of law, who talk of a forfeiture or demise of the crown while the king lives, and flies out of his kingdoms only for the safety of his person, and because he will not trust himself in the power of his enemies, I say all such persons will be greatly discontented at deposing the king, and will never own any other king while their own king, to whom they have sworn allegiance, lives; and though you should suppose such conscientious men to be very few, yet if these few should happen to be persons of character, of known prudence and abilities, integrity and honesty in church or state, their examples would give a terrible shock to such a new tottering government, though they were never so tame and peaceable, void of faction and sedition themselves.

And yet, let me tell you, you must not judge of the numbers of these men by the late general defection. The whole nation, I confess, was very unanimous for the prince, great numbers of gentlemen, nay, of the king's own soldiers, went over to him, very few but papists offered their service to the king; but the reason of this was very evident, not that they were willing to part with the king, and set up another in his room, but because they were horribly afraid of popery, and very desirous to see the laws and religion of the nation settled upon the old foundations by a free parliament, which was all the prince declared for: but many who were well-wishers to this design, will not renounce their allegiance to their king; and now they see what is like to come of it, are ashamed of what they have done, and ask God's pardon for it, and are ready to undo it as far as they can.

2. Besides a thousand occasions of discontent which may happen in such a change of government as this, which no body can possibly foresee, and yet may have very fa-

tal consequences, there are some very visible occasions for it besides the sense of loyalty and conscience.

How many discontents, think you, may arise between the nobility and gentry who attend the new court? Every man will think he has some merit, and expect some marks of favour, to have his share of honour, and power, and profit; and yet a great many more must miss than those who speed, and many of those who are rewarded may think they have not their deserts, and be discontented to see others preferred before them; and those whose expectations are disappointed, are disobliged too; and that is a dangerous thing when there is another and a rightful king to oblige, for duty and discontent together to be revenged of a new king, and to be reconciled to an old one, will shake a throne which has so sandy a foundation. The like may be said of the soldiery, who are generally men of honour and resentment, and have the greater and sharper resentments now, because they are sensible of their mistake when it is too late; yet as they ought not to have fought for popery, nor against the laws and liberties of their country, so neither ought they to have deserted the defence of the king's person and crown, but have brought the prince to terms as well as the king.

Thus you easily foresee what a heavy tax must be laid upon the nation to defray the charge of this expedition, and I believe the country would have paid it very cheerfully and thankfully had the prince restored to them their laws, and liberties, and religion, together with their king; but you know men are apt to complain of every thing when money is to be paid, and it may be it will be thought hard to lose their king, and to pay so dear for it too. And though what the convention does is none of the prince's fault, no more than it was his design, yet angry people don't use to distinguish so nicely.

But there is a greater difficulty still than all this: There are no contentions so fierce as those about religion; this gave life and spirit to the prince's design, and had the main stroke in this late revolution; and though popery were a hated religion, yet most men are as zealous for their own religion, as they are against popery. Those of the church of England are very glad to get rid of popery, but they will not be contented to part with their church into the bargain, for this would be as bad as they could have suffered under popery. The several sects of dissenters are glad to get rid of popery also; but now they expect glorious days for themselves, and what they expect God Almighty knows, for I am confident they don't know themselves. Now consider how difficult it will be for any prince, who has but a crazy title to the immediate possession of the crown, to adjust this matter so as neither to disgust the church of England nor the dissenters, and if either of them be disobliged, there is a formidable party made against them.

This being the case, should the king be deposed, and any other ascend the throne, it will be necessary for them to keep up a standing army to quell such discontents, for where there are and will be discontents without any tie of conscience to restrain men, there can be no defence but only in power, and this will raise and increase new discontents, for it alters the frame of our constitution from a civil to a military government, which is one of the great grievances we have complained of, and I believe English people will not be better pleased with Dutch, or German, or any foreign soldiers, than they were with their own countrymen; and I believe English soldiers will not be extremely pleased to see themselves disbanded, or sent into other countries to hazard their lives, while their places are taken up by foreigners, who live in ease, plenty, and safety. And when things are come to this pass, which is so likely that I cannot see how all the wit of man can prevent it, I will suppose but one thing more, which you will say is not unlikely, that the king return with a foreign force to recover his kingdoms, how ready will the men of conscience, and the men of discontent, be to join him, nay, to invite him home again; and if he returns as a conqueror, you will wish,

when it is too late, that you had treated with him, and brought him back upon safe and honourable terms.

Secondly, Let us suppose now that all this should be over-voted, (for I am sure it can never be answered,) and the convention should resolve to proclaim the next heir.

1. You must be sure to examine well who is the next heir, that is, you must thoroughly examine the pretences of the Prince of Wales; and yet if you have not good proofs of the imposture, you had better let it alone. For though the nation has had general presumptions of it, yet a male heir of the crown is mightily desired, and people would be very fond of him if they had one, and seem to expect some better proofs than mere presumptions against him, because common fame has promised a great deal more; and if you should either say nothing to it, or not what is expected, it would be a very plausible pretence for discontented people to quarrel.

2. Suppose the Princess of Orange should appear to be the next heir, what if a lady of her eminent virtue should scruple to sit upon her father's throne while he lives? Or what if she should scruple it hereafter, and place her father in his throne again? This is not impossible, for virtue is greater than a throne. For my part I think you will put a very hard thing upon so excellent a lady, and I pray God give her grace to resist the temptation. A regency is more tolerable, because a nation must be governed, and none so proper to govern it as the next heir; but I should think none who expect to wear a crown, should countenance subjects in deposing their king, nor accept of a crown upon such terms as to take it off of a father's head. It is a dangerous thing for a prince who has a title to the crown, to own that the crown may be forfeited or demised by such a withdrawing; if this be not so, the princess has no right to the possession of the crown yet, and if it be so, her crown is worth a great deal less than formerly it was, especially if she own this secret by accepting the crown, which her ancestors always concealed, and which the best subjects of England would not believe before; what they may do after this, I know not.

Thirdly, The next design (I verily believe without the knowledge or thought of the prince, who has too great a mind to think of any thing which, in the opinion of any wise man, could stain and sully his glory) is to give the crown to the Prince of Orange, for it must be a gift, if any thing, for he has no immediate title to it that I know of. This is upon a pretence that the government is dissolved, and therefore we must begin *de novo*, which is very ridiculous, when the king is still alive, and the laws in as full force as ever, only the regular administration of government at present interrupted by the king's absence. But this is not the worst of it, for it is a dangerous pretence too, especially to men of quality and estates as you are; for if the government be dissolved, our laws are dissolved, and honour and property dissolved with them, and then I doubt the mobile will come in for their share in the new division of lands, and set up for men of as good quality as any; for if our laws are gone, we return to a state of nature, in which all men are equal, and all things common; this I believe you will not be for, for the reason above-mentioned.

If then the laws continue, the government is not dissolved, and the crown is not a gift, but an inheritance still, as much as your estate is; and then the Prince of Orange cannot have it in his own right, because his own princess and the Princess Anne are before him. Consider then what the consequence of this project would be.

1. This alters the essential constitution of the English government, by changing an hereditary into an elective monarchy, a thing which I know some men are very fond of; for then the next occasion they can find to quarrel with their prince, they may with as much ease turn it into a commonwealth; for when the crown is at the people's disposal, they may, if they please, keep it to themselves.

2. This will entangle all men of conscience in new difficulties; for the oath of allegiance does not only bind us to the king, but to his heirs and successors, which must

be understood of the next lineal heir, where there is no authority to alter it; and whatever a parliament may be thought to have with the authority and consent of the king, no man pretends that a convention of the estates has any legal authority to do it. I should be as heartily glad as any man to see the Prince of Orange legally seated on the English throne; but these are difficulties I cannot break through. Thus I have given you my hasty thoughts, and pray God to direct you.

I am yours.

Postscript.

There is one thing more I would beg of you, that the story of "French league to cut protestants throats in England" may be well examined; for this did more to drive the king out of the nation than the prince's army; and if this should prove a sham, as some who pretend to know say it is, it seems at least to be half an argument to invite the king back again. In short, remember you are a convention, not a parliament, and therefore nothing can give authority to what you do, but the good liking of the people; and as necessity only can justify your meeting without the king's writs, so I hope you will take care to do nothing but what will justify itself to God, the king, and your country.

An Answer to the Author of the Letter to a Member of the Convention.

An angry answer to the preceding Tract, which evinces more pertness than wit or judgment in its author.

Reverend Sir,

Your name, your quality, your religion, and your design in publishing this letter are wholly unknown to me; but the confident assertion, page 3. § 16. "That you are sure it can never be answered," sounds so like a son, or rather a father of the infallible church, that it has provoked me, if not to answer, yet at least to reflect upon some passages in this magisterial composure.

§ 2. "Whatever becomes of other arguments, interest is most likely to prevail." You, sir, suppose your parliament-man, in these words, to be one who will regard no arguments from justice, reason, religion, or the laws of God or man; interest is the only thing which is likely to prevail; an excellent compliment to a parliament-man! But it goes higher yet, and takes in the majority of the states, for no one man shall ever determine these great things.

§ 3. You tell him, "That all the threatening dangers of popery were not a more formidable prospect to considering men, than the present distractions and divisions." Now surely this is a very bold and daring stroke; but that I am certain these pensive thoughtful men are not either very numerous or very considerable; otherwise the few

of the church of England that are over-thoughtful in this point, deserve much compassion, because they disquiet themselves and others out of pure tenderness of conscience, and an over-great loyalty; but then there is no danger to be apprehended from them, and they will in time satisfy their own scruples, and in the interim, I doubt not infinitely more men dread the dangers of popery even to this day, than all the "commonwealth men, dissenters, ambitious and revengeful wretches," which you have so artfully mustered up to fright the country esquire with, can overbalance. Strange it is in the mean time, that the dangers of popery, which last October appeared so formidable, should in so short a time vanish, or rather dwindle into nothing: But God, by the ministry of the Prince of Orange and his friends, has brought this about. In the rest of that section I agree with you, and approve of it.

The two next sections being only a representation of the different parties of men now upon the stage, I leave as I find them.

§ 6. "Though the opinion of those who are for sending to the king, and treating with him to return to his government, under such legal restraints as shall give security to the most jealous persons for the preservation of their laws, liberties, and religion, is horribly decried, &c. yet the only reason against it is because it is vain." Now, sir, that reason is so very good, that it may perhaps justify that dreadful consequence you so shrink at; for though I do not doubt but you are a wonderful legislator, yet if twenty wiser men than you were joined with you to frame these new laws, yet let but a popish prince have the supreme executive power, and the legal prerogatives, and he will break through all your restrictions with wonderful facility, as we have seen by experience. But then if you leave him the name, and take away the power of a king, you set up a commonwealth immediately, which will not end with your popish prince, but there will be stickling to keep all things in the same state in the following reign, of what religion soever the prince is, which was the reason why the limitations offered by Charles II. in 1679 were rejected.

[And let it be remembered also how well that prince, that was supposed to be a protestant, kept his word, and the solemn league and covenant which he solemnly with hands and eyes lifted up to Heaven, swore to observe in Scotland, &c.]

Well, but we "should have thought ourselves very secure if the king would have called a free parliament;" yes, sir, if he would have called it freely, so that it had been the production of his will without force; but, sir, it is notorious he was resolved the parliament should either not be free or not meet; and if your memory will not serve you to recall the virulent "reflection on the humble petition presented by the lords spiritual and temporal, the 17th of November last," in which the author tells us, "That the summoning a parliament now is so far from being the only way, (to preserve his majesty and the kingdom) that it will be one of the principal causes of much misery to the kingdom, &c." and nothing would do then but driving the Prince of Orange out of the kingdom with force and arms. Now I say, sir, if you cannot remember this, you shall never be trusted to frame laws if I can help it.

There is another and a better reason to refuse a treaty, than the "fearing the king should comply." Suppose that he should grant all that you can ask, bating "Whitehall, the revenue, the title of king, and the right of calling parliaments, and making peace and war:" What security have we that he will acquiesce in this low restrained estate? Oaths, laws, and promises we had before, but what did they signify? Who shall be guarantee? What shall we do if he break out again? In short, *quis custodiet custodes?* So that the many who desire a treaty, are desired to read the "Enquiry into the present State of Affairs," that they may not come into the discipline of the severe lady, who has taught the protestants in France and Piedmont a lesson which England too must have gone through with, if God and H. W. P. O. had not saved us.

But if the convention should refuse to treat, and "depose the king, it would act without a legal power," § 8. Why, sir, here is no occasion to talk of a deposition, the king is gone of his own accord freely; and they are only to consider whether we shall perish in a state of anarchy, recall him, and suffer over again all that is past, and all that was intended, but prevented; or whether they shall recognize the next immediate heir, and enquire who that is? Well, but the next heir it seems shall have small joy of it, "his whole authority depending on a convention that has no authority:" In good time! Will the authority of this prince, when acknowledged, depend on the authority of the convention? Did Queen Elizabeth or King James I. owe all their authority to the parliaments which recognized their respective rights? "But no man will think himself bound in conscience to obey this heir." Have you, sir, the keeping of all men's consciences, or the knowledge of their thoughts? I can assure you mine is not in your custody.

§ 9. "All those who think themselves bound [still] by their oath of allegiance to defend the king's person, his crown, and dignity, &c will be greatly discontented." Why, sir, then they may go over into France, and be admitted into his guards, and perhaps the generous allowance given him by the French king will maintain them, if their heresy do not overbalance their loyalty, and turn it into a crime, as it happened to the Hugonots. Well, "but they will never own any other whilst their own king lives:" Assuredly this is a wonderful man, if he could but as certainly inform us of the number as he can of the thoughts and future actions of the loyalists.

Well, but if they should happen to be "persons of known prudence, abilities, integrity, honesty, though they were never so few and never so tame, it would give a terrible stroke to this tottering government." Why, sir, all or the greatest part of such men in the nation were a dreadful body, though they were and ever will be few; but, sir, there must be a considerable body of such men first satisfied in the convention, a number without doors are already satisfied, and more will when the states have passed their resolves; and the remainder of the men of this high character who will still remain discontented, if they are any thing peaceable, though not over tame, will never be able to shock the most tottering government in the world by their examples, how well soever he thinks of them.

Yet, § 10. he endeavours to shew the number will not be small, because many who joined with the prince, "are ashamed of what they have done, and ask God pardon for it, and are ready to undo it as far as they can." Well, sir, how many such do you know besides yourself? A list of these men were worth the having, and may perhaps be easily taken, if one knew how to separate them from the rest; however, I should not fear greatly the terrible shock of these wonderful men, till I had better information of their numbers than you can possibly give us. "They were not willing to part with the king, though they were horribly afraid of popery." Why, sir, has the king changed his religion in France? Or are these gentlemen so fond of the king, that they would now be contented to suffer all that popery threatned so lately? Or are they become as weary of their delivery as they were before of popery? Or, will they sacrifice their laws, religion, old foundations, and free parliaments to their allegiance to their king? If you say yes, I have done; if no, then you would have what was not to be had, and will not be contented with what may be had; and if the number of these men is great, farewell to the liberties, laws, religion, and privileges of England, and its wealth and inhabitants too; and what is left you may be pleased to divide amongst your men of character.

To all this he assures us, § 10. "There will be a thousand occasions of discontent:" Just a thousand, neither one more or less, besides those springing from the sense of loyalty and conscience: Strange that these two should be so troublesome as to equal, if not exceed, the whole thousand that went before!

He that had been before so liberal of his information, now sets us to guess in § 10. "How many will be discontented in the new court for want of preferment?" Why, sir, if you please to inform me how many days in February shall be clear, and how many shall be cloudy, I will fall a guessing how many in the new court shall be pleased and how many shall be dissatisfied; but when I have done, it will not be worth the while, because this ever happens, and courtiers have an old way of keeping these malcontents in hope till they fall off, or gain what they desire; and so if there should happen to be a thousand of them, they will not be able to shock the government, if there is no other cause of discontent than that.

Well, but here "duty and discontent will mix, because they are sensible of their mistake when it is too late; For as they ought not to have fought for popery, nor against the laws and liberties of their country, so neither ought they to have deserted the defence of the king's person and crown, but have brought the prince to terms as well as the king." Why, sir, *Nemo tenetur ad impossibilia.* The king was never brought to terms, nor perhaps never will. So that if they had fought at all it must have been for popery, and against both our laws and liberties. Sir, shew when and where the king offered us or the prince any terms, and I will pass my word you shall be employed to frame laws for the convention, which is certainly a good employ for one that is so expert at it as you pretend to be.

Well, § 13. "A heavy tax must be laid upon the nation to defray the charge of this expedition." Why, sir, are you of the privy-council to the prince? Surely he will be able to find some other cause, or not make the tax so very heavy. "But men will be very sorry to lose their king, and pay so dear for it too." Yes, doubtless a gracious king is a great loss; but if he will be gone, and involve us in a war too, taxes must be paid, yea, heavy taxes, to support the charge of it, or Lewis will, in a short time, teach us what the prince's expedition was worth, whatever it cost.

But this is not all, we must "part with our church too, the crazy title will require the giving the church to the dissenters," § 14. The dissenters have of late acted very well; and perhaps if a wise man has the managing of them, and the popish emissaries be carefully looked after, we may compound the quarrel better cheap than the parting with our church. Sir, I am well assured a great deal less will for the present content them; and the king is not immortal, and whenever he dies the crazy title will be soldered again, if nobody be to blame for giving it another terrible shock.

§ 15. "Should the king be deposed, or any other ascend the throne, it will be necessary to keep a standing army to quell such discontents." You may be a good lawframer, for ought I know; but I will swear you are no statesman. This whole section is mere whimsey borrowed from the Dutch Design anatomized, who had the folly to talk of governing England by an army of Dutch and Germans; but why, God knows, except it were because a few were brought over to deliver us, and cannot presently be returned back to Holland. The prince is both a wise and a good prince, and knows the consequence of keeping those forces long here better than a thousand such lawframers.

"Suppose the king should return with a foreign force to recover his kingdom, how ready will the men of conscience be, and the men of discontent, to join with them, nay, to invite him home again!" This looks so like a Roman catholick zeal, that if I were not assured he is a church of England-man, I could not believe but it was a disciple of St Omers. But will the conscientious men invite the king home again, with all his apostolick vicars, jesuits, ecclesiastical judges, dispensing power, and a round army of French dragoons, to teach us the French faith after the French fashion? Are these the men of character, prudence, ability, integrity, or of conscience either? Would one of the primitive Christians have talked thus, have stood for a Licinius against a Constantine? Well, if the king "comes in a conqueror, we shall wish we had treated."

Truly I shall not; I had rather be forced than deceived, for then I know what I have to trust to; and I would not willingly be accessary to my own ruin.

Well, suppose this unanswerable stuff is over-voted, § 17. "We are to bring good proof the Prince of Wales is an imposture, or else we had better let it alone." Very good, the negative is to be proved; we may guess by this what kind of laws you, sir, would frame. Well, but if this be not done, the "discontented men will have a plausible pretence to quarrel." What the conscientious men will do we must guess, but in all probability they will not be better qualited.

What if the Princess of Orange be a lady of that eminent virtue that she should scruple to sit upon her father's throne whilst he lives? Well, his majesty has deserted his throne and kingdom when he needed not, except he had pleased; and somebody must sit upon his throne, though he is yet alive. Now, if it be her right after his death, why not now? Our author is at his prayers, that "God would give her grace to resist the temptation;" and I at mine, that the author may never be one of her chaplains till he is better informed. The rest of that section is not unanswerable, but not worth answering.

He has all along supposed the Prince of Orange crowned, yet, in the nineteenth section, he proves he can have no right to it, neither by descent nor gift; and truly I am of the same mind for many reasons, and especially for the sake of the three alledged by him, § 20, 21, 22, and for some others too of as great weight, which may be found in the Lord Verulam's History of Henry VII. And yet our case now before us has three difficulties that that had not: 1. A king living; 2. A Prince of Wales, true or false; 3. A nation divided in religion; to which I might perhaps add, the excessive power of France, and the excessive zeal of this generation to preserve the descent of the crown in the right line, and in the legal steps and degrees. And this being done, I am persuaded nothing can divide the English nation, or lessen their zeal and affection to the Prince of Orange, who has deserved the crown, if it were ours to give him.

The postscript, which is an hue and cry after the French league to cut our throats, I leave to the convention: And if I durst be so bold as to ask a favour of them, it should be to enquire what the Roman catholicks meant by that threat of theirs, so frequently printed and spoken by them, "If fair means would not obtain the repeal of our penal laws and tests, foul should."

Now, for a conclusion, I would desire you, sir, to propose your method of restoring the king, and securing our laws and religion; and it shall go hard but I will shew you it is impracticable, or impossible, that it will never be granted, or, if it be, never observed: And if you please to bless the world with a receipt of an obligation that will bind the conscience of any other Roman catholick so fast that neither jesuit and pope can break or untie it, I assure you I will join with you in a petition to the convention, for a treaty forthwith, without any other terms to be proposed than the giving us that security, whatever it is. And in the interim, I am,

Sir, yours, &c.

Jan. 24, 1688-9.

A Letter to a Friend, advising him, in this extraordinary Juncture, how to free the Nation from Slavery for ever.

In this busy period the press teemed with new projects and models for government; every coffee-house politician became a legislator, and many condescended to enlighten the people by publishing their own Utopia. The following author takes a singular view of the crisis. He urges, that by the destruction of one branch of the constitution, on James's flight, the whole structure became totally abrogated, and that all power had returned to the people from whence it issued, who had therefore the opportunity of adopting a new form of government, in which he proposes that the principal powers of the crown shall hereafter be vested jointly in the king, lords, and commons.

SIR,

I DOUBT not but the wisdom of the nation will take the most effectual way to secure our religion, our liberties, and property. However, being a lover of all these, I cannot forbear communicating my thoughts unto you, with an assurance you will consider them.

God hath done great things for us, and yet the greatest thing is not yet done; there are many difficulties in the way, and many more will be thrown into it. Slavery is most to be dreaded at this time: what is done must be chiefly to guard against it. How to do it is the principal business of the great men in the next convention. To know where we are, is the first step to be taken. Is the government dissolved, or only under some disorders? If the latter, are the disorders such as must be laid to the charge of the king, or to his ministers, or both? If to the king, are they sufficient to depose him? If that be done, are we more secure from slavery than now? Will there be more than a change of persons in the throne?—A child for a father, a protestant for a papist? And in a few years the succession may fall to the Queen of Spain, or Duchess of Savoy, both Roman catholics, and we in as great or greater danger of popery and slavery than we were the other day: The constitution remains the same, the *jura majestatis*, viz. the militia, the power to make war or peace, the chusing judges, sheriffs, &c. still in the person of the king; or if only by one parliament restored to the people, another parliament may give them the king again. *Leges posteriores priores abrogant.* And who can tell what contests there may be about the right of the crown? The deposed prince is alive, and his right by sword will be disputed, &c.

If the government be dissolved, the power devolves on the people; no one can claim the crown; the royal family is as it were extinct; the people may set up what government they please, either the old or a new; a monarchy absolute or limited, or an aristocracy or democracy. If a monarchy limited, supposing it mostly suited to the temper of the English, they may chuse what family they please to sit in the throne: They may settle it on the Princess of Orange, Princess Anne, the Prince of Orange, and, for want of issue, on whom else they think meet. These hold not by virtue of an old right,

but by reason of the people's placing it upon them, and the monarchy may be thus, *de novo*, made hereditary, and the king and Prince of Wales gone, having lost their right by the dissolution of the government. The *jura majestatis*, the militia, the power of war and peace, or the power of the sword, with the power of making judges, sheriffs, &c. may be lodged where now the power of legislature is, viz. in king, lords, and commons, which will necessitate frequent parliaments, and make it impossible for the monarch to enslave us. There are but two ways by which slavery can be brought on us, viz. force or injustice. The militia, or power of the sword, being in the people, we are secured from the mischief of force. The power of making judges and all the ministers of justice being also in the people, they cannot be ruined by injustice.

But we must do no evil that good may come of it. Is our government dissolved, or is it not? If there be a dissolution, is it of the constitution, or only of the form of administration? I confess myself not statesman enough to be acquainted with the finesse of the politicks, but am apt to run the old road, and please myself with an old distinction: all power is originally or fundamentally in the people, formally in the parliament, which is one corporation made up of three constituent essentiating parts, king, lords, and commons; so it was with us in England. When this corporation is broken, when any one essentiating part is lost or gone, there is a dissolution of the corporation. The formal seat of power, and that power devolves on the people. When it is impossible to have a parliament, the power returns to them with whom it was originally. Is it possible to have a parliament? It is not possible. The government therefore is dissolved.

If what is essential to our constitution be invaded or ravished from us, the constitution is broken. I will instance in two things essential to the constitution: That the people chuse their own representatives; and that their representatives have such an interest in the legislation, that no laws be made or abrogated without their consent. The destroying one or both of these subverts the foundation of our government.

The government being dissolved, what must the people do? Care must be taken that the government to be erected be such as will perfectly secure us from slavery, and be a fence inviolable to the liberty and property of the people; and the rights of majesty must be therefore lodged with the parliament: this will be grateful to the people. The way of doing it must be great, awful, and august, that none may be able to quarrel it. A national convention made up of the representatives of the community: That the convention may be truly national, and represent the community, it must be larger than a house of commons ordinarily is. It is this convention that sets up what kind of government they please. If they will have a parliament made up of king, lords, and commons, it is sufficient that this convention is so pleased. The power of this convention must be absolute and uncontrolable, accountable to none but God. It gives laws to kings, yea, to the whole parliament, and sets bounds unto it; it shall go so far, and no further. No act of parliament can be strong enough to move the foundation laid by this convention. The convention therefore, as it has more power than a parliament, and is its creator, must have a larger body. What think you therefore, if the first thing done by the approaching convention be the increasing their number? What if they double it? Whether by ordering every market-town to send up their representatives, or every hundred, or wapentake, &c. or by some other way, according to the proportion of people and publick payments, as the wise men of this convention shall judge most practicable, that it may be the grand council of the nation. I have unburdened myself, and am,

Your humble servant.

Jan. 5, 1688.

[*In the Collection of Sir Thomas Webster, Bart.*]

Now is the Time: A Scheme for a Commonwealth.

Amidst the Utopian schemes propounded by speculative politicians, one voice was uplifted at the Revolution in favour of a republic, so long the dream of theory and the scorn of practical statesmen. But the party whom this project could gratify were now sunk into absolute contempt. They had tried their experiment fairly in 1648, and the issue was fresh in the remembrance of the public.

THE thing that offers itself in this great conjuncture is, to have a grand committee of Lords and Commons (*forty at least from each house*) to be as a privy council, or *council of state, or governing senate.*

It were to be wished, that twenty of each forty might be for life, and the other twenty biennial, ten going off every year; or half might be changed annually.

Each senator or counsellor to have for his salary maintenance one thousand pounds a-year. This would be such an advancement to the nobility and gentry as England never saw. And the charge is a trifle. There is more spent in some monarchies upon hawks, hounds, and whores.

The prince to preside in this council or senate (or such person as he shall appoint in his stead) and to have ten votes at least. He must also be general and admiral; and must have such further powers, and such a maintenance or revenue, as his infinite merits require; but withall, such as are consistent with the government he designs for us. The prince's maintenance should equal, or exceed, that of all the senators put together.

All that are of this council, and all that hope to be (that is, all the considerable men of the nation) will by this means be firm to the prince. And so will those others who have the great privilege of chusing them, whereby they may have confidence in their administration. And this one thing will give the prince so strong an interest, that he needs fear no pretension that can be against him. It will be better than a standing army: The necessity whereof nothing can prevent but such a standing council.

The parliament to be chosen triennially, and to meet annually.

It is believed that such a constitution as this would effectually secure us (according to the prince's good intentions) from popery and tyranny. And the prince will be the glorious author of the Britannick liberty, as his grandfather was of the Belgick. The Genoese to this day adore the memory of Andrew Doria, who chose rather to make them a free state than to be their prince. Barely to change our master would but revive the feuds of York and Lancaster, and involve us in the like calamities.

These things to continue but during the life of the king, and not to prejudice a protestant successor.

Good Advice before it be too late: Being a Breviate for the Convention: Humbly represented to the Lords and Commons of England.

This piece is by the author of the former Tract, who expatiates upon his former model at rather greater length. "As the main drift of this project was only to reduce the power of the king without destroying the monarchy, or rendering it elective, it met many patrons and advocates without doors, though it was no farther regarded within than as it served to establish an opinion, That the throne was vacant, and that the people might fill it as they pleased: for as to the limitations of the royal power for the time to come they were equally dissatisfactory to those who were for adhering to the old king, and to those who were for chusing a new."—*Ralph*, II. 29.

WHEREAS we cannot but be made very apprehensive by those several efficacious papers, such as Dr Burnet's, Mr Ferguson's, "A Word to the Wise;" and another as close, "Four Questions Debated,"* and the like; which go about, lest the swaying part of the nation should be so much intent upon one thing as that others be neglected; or lest they be so taken up with putting the crown upon an head most deserving it, as that they forget what is to be done first; which is, the consideration of the constitution of the realm, and the declaring that constitution, before any person be admitted into actual regiment; it being common for those who look but on one thing to be too sudden. We therefore judge it meet, that this ensuing paper, which was in a few copies given to some members of the houses, for preventing that evil, should also be made public, to go abroad with such papers as those of the former nature: For as it is wise in a people, when they make any compact, whether with their rulers or others, that though they believe the party they deal with to be the best in the world, to treat with him for all that, and be as punctual upon the terms, to make all secure, as if they were dealing with the worst; so it is also honest for them, in seeking the good of their country, to deny self-interest, and to prefer the benefiting a nation before the magnifying any single person whatsoever.

The Breviate.

The people of this nation are by birth a free people, who are born to a liberty of person and propriety in their goods and lands; and therefore England is rightly called a free state.

To understand the government, we must know that these two things are always to be distinguished, the Constitution and the Administration.

The constitution of a government does lie in the original agreement of the people, which they make between themselves, or with their intended governor or governors,

* State Tracts, both of which are to be found in the folio collection in three volumes.—*Orig. Note.*

before the government be set up, whether there be none before, or the former at an end.

When the people are in such a state, while there is no order of superiority or inferiority introduced, it is called a Community: When a ruler is chose, so that there is a ruling and ruled part, it is a society, or called a Commonwealth.

Let us suppose a company of families, that having no dependence on one another, nor any one having power over the other, yet living near each other, do find it convenient to join together in a society, for mutual defence against some foreign enemy, or for the reaping several advantages which they shall receive by it. The heads or representatives of these families assembled, are to consider what is to be done in order to these ends.

Three things more especially they must consult upon;

1. What government (as to the sort or kind) is best for them?
2. Who shall be governor or governors?
3. And by what laws or rules they shall govern, who are entrusted with the supreme power?

And more particularly, in relation to what measure of it they will allow them to have over their persons and estates, to use them as they have occasion for the public good. For when they are yet free in both, the governor can have power so far, but no farther than they at first consent. Whatsoever reservations of liberty the people make in their agreement, these are to be looked upon as their rights by the laws of the constitution, and essential thereunto, and consequently inviolable by any of these governors whom they set up for the administration; the very laws of the administration being void, so far as they interfere with any of these of the constitution.

The constitution and laws thereof being agreed upon, and it being impossible for human prudence to foresee all accidents which must be provided for, therefore as they arise, the administration necessarily must lie in these two things: The making farther laws (subordinate still to those foreprized) as occasion requires, and seeing them executed, that is, in legislation and judgment. The one is the business of the supreme authority, the other of the inferior magistrates or officers, and executioners of the same, according to that fundamental agreement made by the people.

Our government now, as constituted in order to this administration, is, we know, a mixt government. A government is known to be pure or mixt, by the placing the supreme authority. If the people place it singly in the king, or singly in the nobles, or singly in the people, then it is a pure monarchy, aristocracy, or democracy: But when it is placed in all three, it is a mixt government, as ours is, where there are no laws in the administration made but by king, lords, and commons.

These things I pursue only so far as is necessary to the reaching my main purpose, and the leading me to a right discernment of the present condition into which we are now brought in regard to this said government.

The supreme power of the nation being placed in a parliament, which is a corporation of king, lords, and commons, that is, the supreme authority residing in king, lords, and commons, as one corporation, there does appear, at this conjuncture, a dissolution of the government, a dissolution manifestly as to the exercise of it. This appearance does arise from the opening of the last scene; for the king being now gone, gone from his people, and departing from his government, that one corporation (we speak of) is broke; so that there remains now no subject for that supreme authority; it being evident that a parliament, wherein an essential point of our constitution does consist, cannot now be assembled: And the providence of God itself hath extraordinarily determined our case. If a king dies he hath a successor, and the right devolves upon him; but whilst the king lives he hath no successor, and the right remaining in him and no other, and he being divided from his lords and commons, the subject of

the supreme power, or this one corporation (whereof the king is a chief, essential, and constituent part) does perfectly cease, and must necessarily cause a dissolution.

I chuse not to found this upon what does more convince others, which comes to this account: The king, by his frequent malversation in the government, and rooted design of subverting our religious and civil rights, for the introduction of arbitrary power and popery, which being aggravated by such an endeavour, as the destroying that share in the government which every commoner hath that hath a right to chuse his representative in parliament, by his garbling corporations, and so evacuating this liberty in effect; and by such an endeavour also as the exterminating his protestant subjects, seeing that religion which he would have introduced is such as, by the principles of it, if it comes into denomination, must do so to all heretics; and thereupon may he be looked on no longer as *Rex*, but *Hostis*, and *Hostis Publicus*: Besides, the subjecting us to a foreign jurisdiction, and the very changing the government, by that indefinite dispensing power over the laws as was carved to him by his judges, from regal to despotical, it is judged by them that he is fallen thereupon from his royal dignity; and that the universality thereby have warrant not only to defend themselves against him, but by virtue of that sanction, which is tacitly implied in the laws of the constitution, to proceed on to take the forfeiture he hath made of his government, and depose him: For it is a fond thing (think they) to imagine any laws without a sanction; and impossible there should be any other sanction in treaties between free nations, or between a free people, and the governor they set over themselves, than force to be used by the parties concerned; there being no third party on earth to appeal to in such cases.

However this be, it being taken for granted that the government is dissolved, and I suppose upon that preceding account, of the one corporation (I say) being broke, the supreme authority that lay before in the three as united in one, does escheat or fall to the community; who must therefore chuse a new subject for that power; and it lies at their discretion to place it in what subject they please: They may lodge it in the lords and commons alone, without a king, if they think that government best; the matter lies altogether upon their agreement and consent. I suppose it most likely, that they will agree to place it again in a monarch, lords, and commons (the person only left at choice, and care had to prevent all danger of law in the case) according to the ancient constitution; though what man can know the mind of a nation, when once come together, if he knows his own mind?

There is one thing we have now opportunity to obtain, which we can never recover again if it be lost, and that is, what his highness the Prince of Orange hath made one of his two designs, the delivery of the people from slavery; which can never be done effectually and radically but upon this advantage. The delivering us from popery is contained in the settling our religion; and that, being a work of great length, is the business more properly of a parliament; but this is a thing must be done by the community, and consequently by those that are the representatives of it, a convention, so called (in regard to a higher capacity hereunto), and not a parliament; for that represents the people, not as in a community but as in a commonwealth, where there is *pars imperans*, as well as *subdita*, which now is not. A parliament makes laws for the administration, but the people, as in a community, make laws for the constitution.

I would therefore humbly offer it to the consideration of those, who shall meet as members of this convention, that, in order to the effect premised, they do but agree and pitch upon this one certain point of good polity, that where they place the supreme authority, they lay also the rights or properties of it; that is, the *Jura Majestatis* (*majestas* being *maxima potestas*) altogether.

The rights of majesty, or the supreme power, are mainly these: The first is legislation, or making laws; and this undoubtedly lies in a parliament. The next is the power of raising arms, or armies, or the militia, the power of making peace and war,

or power of the sword, which is necessary to maintain those laws. The third is a power over our estates, or the purse, or raising money, which must maintain the sword. A fourth is, the power of chusing magistrates to rule us according to these laws; such as judges and sheriffs, to name no other. A fifth is, the last appeal. Now, let but the power of the militia and chusing magistrates be laid where legislation is, and we shall be fundamentally delivered from all slavery for ever in the nation.

If we be enslaved or oppressed by any prince for the time to come, it must be either by force or by injustice. We cannot be oppressed by force, because no forces then can be raised by him, but by a parliament. He cannot rule by an army, or by violence; for the militia is in the lords and commons as well as in him, and they will not let him do so: We cannot be oppressed with injustice; for the judges and officers entrusted with the execution of justice shall be chosen also by them, and they will look to that.

It is true, while no parliament sits, the king, by virtue of the executive power lying in him, may raise arms, and put in officers and magistrates as there is need; but both these are to be done under the control of the next parliament (which are therefore to sit often by ancient statutes,) there being no war to be levied, nor magistrates confirmed, without their approbation.

Let us remember the state we are in, a state that puts the supreme power in the hands of the people, to place it as they will: and therefore to bound and limit it as they see fit for the public utility; and if they do it not now, the ages to come will have occasion to blame them for ever. When the supreme power is upon the disposing, if they do not take this item as part of their proper work, "To bind the descent of it to a protestant," I shall blame them: But I shall do so much more, if, after the danger we have been in, of arbitrary domination and popery, by the king's raising arms, and putting judges in and out at his pleasure, they do not take more care of the supreme power, to lay it and its rights better together; especially seeing nothing can indeed be that in nature, which it is, without its properties. This is uniform (I must persist) to the nature of government, that where the supreme authority is, there must be its prerogatives; and where the chief or principal rights of it is, there should all the rest which depend upon and belong to it be placed also: Where legislation is lodged, there should the militia, there should the power of making judges, to name nothing more than serves my turn, be lodged also. It is this hath been the great declension, fault, or defect of our English commonwealth, that the people have suffered these rights of sovereignty to come to be divided, arising (we must conceive) from the administration, that is, mal-administration; as appears, for example, in the militia, which, upon the fresh coming in of the late king, was, in two or three hot acts, declared now and ever to have been in the king; when both the assertion was gross flattery, and such acts void, as fundamentally repugnant to the constitution.

There is one difficulty to be thought on, and that is, the negative voice of the prince in his parliament. The lords and commons may agree upon some law for the public benefit, and the king alone may refuse to pass it. If he be obstinate this is a great evil, and might really make one think, it would be better therefore (for the preventing this inconvenience) to place the supreme power in lords and commons only, without a controller. Unto which may be added, the power of calling and dissolving parliaments at pleasure; by virtue whereof, our kings hitherto have pretended a power predominant over them. But forasmuch as these prerogatives may be disputed, and the negative voice hath been denied by many judicious men, who have pleaded the obligation of former princes to confirm those laws, *quas vulgus elegerit*; it is to be hoped that the wisdom of the nation will be able to find out some expedient or salve for this difficulty, and for more than that also: so long as they have the golden opportunity to bring a crown in one hand, with their terms or conditions in the other.

As for the several grievances that need redress, and many good things that are wanting to complete the happiness of our kingdom, there may be some foundation laid happily, or preparations made in order thereunto by this convention; but as belonging to the administration, and being matters of long debate, they are the work more properly of an ensuing parliament. Only let not the members of this present great assembly forget, that they having so unlimited a power, and the nation such an opportunity, which, as the secular games, they are never like to see but once, they are more strictly therefore bound in conscience, and in duty to their country, to neglect no kind of thing which they judge absolutely necessary to the public good. I care not if I commend three or four such particulars against the time to consultation, which shall be these: A regulation of Westminster-hall; a provision against buying or selling of offices; a register of estates; a freedom from persecution (by a bill for comprehension and indulgence) in the business of religion; a redemption of the chimney-money, which, bringing the king to be lord of every man's house, is against property; and an overbalance in the revenue is against the interest of the nation.

The Breviate being ended, we cannot but reflect upon the king; there being so much concern in the minds of many, about their allegiance to him, though he be gone: but such persons as these should look a little more to the bottom, that a people is not made for the king, but the king for the people; and though he be greater than them in some respects, yet, *quoad finem*, the people are always greater than him: that is, if the good of the one and the other stand in competition, there is no comparison but a nation is to be preferred before one man. If the being of them be inconsistent one with another, there is no doubt but it is better that a king cease, than that a whole nation should perish. And, upon such a supposition as this, all obligations as to duty must cease likewise. There are some tacit conditions in all oaths, as the best casuists tell us (such as *Rebus sic stantibus* for one,) that we must steer our consciences by in these cases. *He is the minister of God for our good*, says the Scripture: And if any prince, therefore, be under those circumstances, as that it cannot be for the people's good that he should rule over them, we do look upon such a ruler to be bound in conscience to give up his government, as being no minister of God upon that account; and so, having no authority from God for that office, the people's obligation to be subject to him is at an end with it. If they obey him longer, it is for wrath, not for conscience sake. If his majesty now of Great Britain, out of some deep sense that he, being a Roman catholic, cannot rule, and be true to his religion, (which he may suppose does oblige him to an establishment thereof by all the ways and means of his church, though never so destructive to ours, but it will be to the hurt, not the good of us who are protestants) hath been pleased to withdraw himself from his government, to make us more quiet and happy, we are in all gratitude to acknowledge his piety, goodness, and condescension to be so much, as very few of his subjects could ever have suspected; but if it be out of another mind he hath done it, we have still more reason to bless Almighty God, who does often serve his providence by men's improvidence; and cutting off men's ends from their means, he uses their means to his own ends, when he is pleased to work deliverance for a people, as he hath at this season so graciously and wonderfully done for us, that there is nothing more needful, even to the most scrupulous conscience, than an humble and awful acquiescence in the Divine Counsel to give satisfaction in this matter.

Reflections upon the present State of the Nation.

Some person, who undertook to advocate the exclusive right of the Princess of Orange to occupy her father's throne, published this paper, which was afterwards republished under the title of "Proposals humbly offered in Behalf of the Princess of Orange."

William, it is well known, spurned at the idea of holding a rank subordinate to that to which the princess should be raised, or, as he expressed it, declined being his wife's gentleman usher.

It is a maxim of the law of England concerning the government, that there is no *inter-regnum*. Of necessity there must be a change in the person, yet there is a continuation of the government; which shews the prudence and perfection of the constitution, in preventing that, which of all things is most deplorable, a failure of government. This rule is therefore of that importance, as not to be given up upon the trivial saying of *Nemo est hæres viventis*.

It is true, the common and ordinary cause of a change in the person that is invested with the royal authority is death.

But we are now in a rare and extraordinary case, where the king is living, and yet may be said to be divested of the royal office, as having, by his encroachments upon the people's rights, provoked them to resort to arms; and being vanquished by that force, followed with a total defection from him, and his relinquishing the kingdom thereupon, without providing any ways for the administration of the government.

This seems to be a *cesser* of this government, and may in civil and politic construction amount to as much as if he had died.

But because this is a *cess* of that nature that requires a judgment to be made upon it, it seems necessary to have a convention of the estates of the nation, to make a declaration thereupon (for it is not for private persons to determine in the cases aforesaid, how or when the king has lost his government) and until such authoritative declaration made, the king may be supposed in some kind of possession of the kingly office.

But after the judgment made and declared, there seems to be no difference in the consequence and result of the thing, between such an extraordinary case of the *cesser* of the royal dignity, and the case of death or voluntary resignation; or as if the king had been professed and made himself a recluse in a religious house.

Then it must devolve upon the next heir, her Royal Highness the Princess of Orange.

As to the pretended Prince of Wales, if there had been no suspicions as to his birth, (as there are many violent ones,) yet his being conveyed into unknown places, by persons in whom no credit can be reposed, and at an age which exposes him to all manner of practices and impostures, touching his person, then can there hereafter be no manner of certainty of him, so as to induce the nation ever to consider any pretence of that kind.

These things being considered:

First, Whether will not the declaring her royal highness queen of England, as next in succession, be the surest and best foundation to begin our settlement upon, rather than upon a groundless conceit of the government being devolved to the people, and so they to proceed to elect a king?

Secondly, If that conceit of devolving to the people be admitted, whether must we not conclude, that the misgovernment of King James the Second hath not only determined his royalty, but put a period to the monarchy itself? And then it is not only a loss as to his person, but to the whole royal family.

Thirdly, Whether those persons that have started this notion, upon pretence of giving the nation an opportunity of gratifying his highness the Prince of Orange, in proportion to his merits, (which it must be acknowledged no reward can exceed) if they were searched to the bottom, did not do it rather to undermine this ancient and hereditary monarchy, and to give an advantage to their republican principles, than out of any affection and gratitude to his highness? For if the latter was that they had the chief respect to, would it not be the more proper way to declare her royal highness queen, which will immediately put the nation under a regular constitution and posture of government? Then it will be capable of expressing its gratitude to the Prince of Orange, in matters touching even the royal dignity itself, without making such a stroke upon the government, as the electing of a king, or making any other immediate alteration in the right of the monarchy (before the parliament is completed and constituted in all its parts) must amount unto.

[*Out of Lord Somers's Collections.*]

A Speech to his Highness the Prince of Orange, by a true Protestant of the Church of England, as established by Law.

Besides those who boldly called upon the Prince of Orange to withdraw himself from the kingdom of Britain, the following author hints to him the same necessity, in a more insinuating and glosing manner; giving him, however, to understand, after many professions of zeal for his person, and gratitude for his timely assistance, that the purpose of his invasion being now fully accomplished, the sooner he returned to Holland it would be so much the better. The concluding allusion to William's bad health is particularly insidious. This was one of the circumstances which chiefly obscured the political horizon:—"That which gave the most melancholy prospect was the ill state of the king's health, whose stay so long at St James's without exercise or hunting, which was so much used by him that it was become necessary, had brought him under such a weakness as was likely to have very ill effects; and the face he forced himself to set upon it that it might not appear too much, made an impression upon his temper. He was apt to be peevish; it put him under a necessity of being much in his closet, and of being silent and reserved, which agreeing so well with his natural disposition, made him go off from what all his friends had advised, and he had promised them to set about, of being more visible, open, and communicative. The nation had been so much accustomed to this in the two former reigns, that many studied to persuade him it would be necessary for his affairs to change his way, that he might be more accessible, and freer in his discourse. He seemed resolved on it; but he said his ill health made it impossible for him to effect it; and so he went on in his

former way, or rather he grew more retired, and was not easily come at nor spoke to. And in a very few days after he was set on the throne he went out to Hampton Court, and from that palace he came into town only on council days; so that the face of the court, and the rendezvous, usual in the public rooms, was now quite broke. This gave an early and general disgust." —BURNET, iv. 2.

THERE is no good protestant, nor any body that loves the liberties of England, who must not (great sir) extol your undertaking, and bless God for your so great and so unbloody success; and those that are sensible how well you have used the power you have had in the world, must wish that that and your glory may increase; and what follows is far from designing the diminution of either: Pardon the expression, if I say it is to confirm you in your own noble resolutions, and to precaution you against the suggestions of such men as may cultivate their own interest with greater regard than your honour. Your honour lies in your keeping close to the sense of your first declaration: That declaration obliges you in the sense of most, and I think all honest men, "to refuse the false glitterings of a crown; restores us to our liberties, secures the protestant religion, is good and merciful even to papists, makes you the greater arbiter of Europe, gives you opportunity to resettle its peace, and call to an account that great disturber, the King of France, for the real invasions he has made upon it, and to punish him for the insolencies he has offered to yourself." This management will bespeak you great, without ambition; inspired with the Roman genius, which loved to "plant liberty and good manners more than empire." And though the king be restored to the title, and as much power as is useful and safe, yet we shall always bless when you are named, "join our arms unanimously with yours, to make all France happy by a restoration of the assembly of the estates, and to relieve the protestants too, by reviving the edict of Nants, to pull down the pride of that haughty man, and approve the English nation, under your banners, the scourge of tyrants." These are the great things you may chuse for your share, and I pray God direct you. But if, instead thereof, you pursue other measures, and you are either "crowned yourself, or allow your princess so to be," you must dethrone your own uncle and your wife's father, hazard our liberties by sudden and uncertain wars, "blemish the protestant religion with the deposing doctrine, unite the papal force, strengthen the French king, make your great self appear rather ambitious than a benefactor, create strong factions," such as you can never imagine will be composed, till the restoration of the king, if you seriously reflect upon our tempers, of which the present fermentations give some proof. Consider then, great sir, and be great by being good, that the present may adore, and after-ages for ever admire you. Let me add one thing more, which is seriously reflected upon by those that are even truest to the English and the protestant interest; which is, that it is in your power to prevail with the king, to give so much into the people's hands, as will make them safe; whereas, if the king by a high hand returns, he can then act without controul; and the infirmities which we are sorry to see in your health, makes it even doubtful whether nature has lent you time enough to finish so great enterprizes; and then, God knows what may be the sad bargain we shall be forced to strike at last: Consider therefore in time.

[*Out of Lord Somers's Collections.*]

Qu. *Whether the King, Lords and Commons, now assembled, be a legal Parliament and may act as such.*

"The crown having been at last settled by the lords and commons on the Prince and Princess of Orange, those who were dissatisfied with that settlement clamoured for a dissolution of the convention, which had made it: But the authors judging it highly imprudent to throw the nation into a new ferment, by giving way to a new election, prevailed with both houses to convert the said convention into a parliament, by an act for that purpose: And it was to reconcile the public to this expedient, that the following paper was set forth."

To this note of the original editor may be added the reasoning of Bishop Burnet:—"The first thing proposed to be done was to turn the convention into a parliament, according to the precedent set in the year 1660. This was opposed by all the tories. They said writs were indispensible to the being of a parliament; and though the like was done at the Restoration, yet it was said that the convention was then called when there was no king nor great seal in England: And it was called by the consent of the lawful king, and was done upon a true and visible, and not on a pretended necessity. And they added that after all, even then, the convention was not looked on as a legal parliament: Its acts were ratified in a subsequent parliament; and from thence they had their authority. So it was moved that the convention should be dissolved, and a new parliament summoned; for in the joy which accompanied the Revolution, men well affected to it were generally chosen; and it was thought that the damp which was now spread into many parts of the nation, would occasion great changes in a new election. On the other hand, the necessity of affairs was so pressing that no time was to be lost: a delay of forty days might be the total loss of Ireland and stop all our preparations at sea; nor was it adviseable, in so critical a time, to put the nation into the ferment which a new election would occasion. And it was reasonable to expect, that those who had set the king on the throne would be more zealous to maintain him there, than any new set of men could possibly be. And those who submitted to the king *de facto*, must likewise submit to a parliament *de facto*."—BURNET, iv. 8.

I. THE necessity of a parliament, agreed by the lords and commons, voting that the throne is vacant; for there being a vacancy, there follows an immediate necessity of settling the government, especially the writs being destroyed, and the great seal carried away, put a period to all public justice, and then there must be a supply by such means as the necessity requires, or a failure of government.

II. Consider the antecedents to the calling the convention; that is, about three hundred of the commons, which is a majority of the fullest house that can be made; above sixty lords, being a greater number than any part divided amounted to at this meeting; the lord-mayor, aldermen, and common-council of the city of London, by application to his then highness the Prince of Orange, desired him to accept of the administration of public affairs, military and civil, which he was pleased to do, to the great satisfaction of all good people; and after that his highness was desired to issue forth his circular letters to the lords, and the like to the coroners, and in their absence to the clerks of the peace, to elect knights, citizens, and burgesses. This was more than was done in fifty-nine for the calling a parliament in April 1660; for there the

summons was not real, but fictitious, (*i. e.*) in the names of the keepers of the liberties of England; a mere notion set up as a form, there being no such persons, but a mere *ens rationis*, impossible really to exist: So that here was much more done than in 1659, and all really done which was possible to be invented, as the affairs then stood. Besides, King Charles the Second had not abdicated the kingdom, but was willing to return, and was at Breda, whither they might have sent for writs, and in the mean time have kept their form of keepers of the liberties, &c. But in the present case there was no king in being, nor any style or form of government, neither real or notional, left; so that in all these respects, more was done before and at the calling of this great convention, than for calling that parliament (for so I must call it,) yet that parliament made several acts, in all thirty-seven, as appears by Keeble's statutes, and several of them not confirmed. I shall instance but in one, but it is one which there was occasion to use in every county of England; I mean the act for confirming and restoring ministers, being the 17th of that sessions; all the judges allowed of this as an act of parliament, though never confirmed, which is a stronger case than that in question; for there was only fictitious summons, here a real one.

III. That without the consent of any body of the people, this, at the request of a majority of the lords, more than half the number of the commons duly chosen in King Charles the Second's time, besides the great body of the city of London, being at least esteemed a fifth part of the kingdom; yet after the king's return, he was so well satisfied with the calling of that parliament, that it was enacted by the king, lords and commons, assembled in parliament, that the lords and commons then sitting at Westminster in the present parliament, were the two houses of parliament, notwithstanding any want of the king's writ or writs of summons, or any defect whatsoever, and as if the king had been present at the beginning of the parliament: this I take to be a full judgment in full parliament of the case in question, and much stronger than the present case is, and this parliament continued till the 29th of December next following, and made in all thirty-seven acts, as above mentioned.

The 13th Charles II. chap. 7. (a full parliament called by the king's writ) recites the other of 12th of Charles II. and that after his majesty's return they were continued till the 29th of December, and then dissolved, and that several acts passed: This is the plain judgment of another parliament.

1. Because, it says, they were continued, which shews they had a real being, capable of being continued; for a confirmation of a void grant has no effect, and confirmation shews a grant only voidable, so the continuance there shewed it at most but voidable; and when the king came and confirmed it, all was good.

2. The dissolving it then, shews they had a being; for, as *ex nihilo nihil fit*, so *super nihil nil operatur*—as out of nothing, nothing can be made; so upon nothing, nothing can operate.

Again, the king, lords and commons, make the great corporation or body of the kingdom, and the commons are legally taken for the freeholders, *inst.* 4. p. 2. Now the lords and commons having proclaimed the king, the defect of this great corporation is cured, and all the essential parts of this great body politic united and made complete, as plainly as when the mayor of a corporation dies, and another is chosen, the corporation is again perfect; and to say that which perfects the great body politic should in the same instant destroy it, I mean the parliament, is to make contradictions true, *simul et semel*, the perfection and destruction of this great body at one instant, and by the same act.

Then, if necessity of affairs was a forcible argument in 1660, a time of great peace not only in England, but throughout Europe, and almost in all the world, certainly it is of a greater force now, when England is scarce delivered from popery and slavery; when Ireland has a mighty army of papists, and that kingdom in hazard of final destruction, if not speedily prevented; and when France has destroyed most of the pro-

testants there, and threatens the ruin of the Low-countries, from whence God has sent the wonderful assistance of our gracious, and therefore most glorious king; and England cannot promise safety from that foreign power, when forty days delay, which is the least can be for a new parliament, and considering we can never hope to have one more freely chosen, because first it was so free from court-influence, or likelihood of all design, that the letters of summons issued by him, whom the great God in infinite mercy raised to save us, to the hazard of his life, and this done to protect the protestant religion, and at a time when the people were all concerned for one common interest of religion and liberty, it would be vain when we have the best king and queen the world affords, a full house of lords, the most solemnly chosen commons that ever were in the remembrance of any man living, to spend money and lose time (I had almost said to despise Providence) and take great pains to destroy ourselves.

If any object acts in parliament mentioning writs and summons, &c.

I answer the precedent in 1660 is after all those acts.

In private cases, as much has been done in point of necessity; a bishop provincial dies, and *sede vacante* a clerk is presented to a benefice; the presentation to the dean and chapter is good in this case of necessity; and if in a vacancy by the death of a bishop a presentation shall be good to the dean and chapter, rather than a prejudice should happen by the church lying void, surely, *à fortiori*, vacancy of the throne may be supplied without the formality of a writ, and the great convention turned to a real parliament.

A summons, in all points, is of the same real force as a writ; for a summons and a writ differ no more than in name, the thing is the same in all substantial parts; the writ is recorded in Chancery, so are his highness's letters; the proper officer endorses the return, so he does here, (for the coroner, in defect of the sheriff, is the proper officer;) the people chuse by virtue of the writ, so they did freely by virtue of the letters, &c. *et quæ re concordant parum differunt*, they agree in reality, and then what difference is there between the one and the other?

Obj. A writ must be in actions at common law, else all pleadings after will not make it good, but judgment given may be reversed by a writ of error.

Answ. The case differs; first, because actions between party and party are adversary actions, but summons to parliament are not so, but are mediums only to have an election.

2. In actions at law, the defendant may plead to the writ, but there is no plea to a writ for electing members to serve in parliament; and for this I have Littleton's argument, there never was such plea, therefore none lies.

Obj. That they have not taken the test.

Answ. They may take the test yet, and then all which they do will be good; for the test being the distinguishing mark of a protestant from a papist, when that is taken, the end of the law is performed.

Obj. That the oaths of allegiance and supremacy ought to be taken, and that the new ones are not legal.

Answ. The convention being the supreme power, have abolished the old oaths, and have made new ones; and as to the making new oaths, the like was done in Alfred's time, when they chose him king; *vide* Mirror of Justice, chap. I. for the heptarchy being turned to a monarchy, the precedent oaths of the seven kings could not be the same King Alfred swore.

Many precedents may be cited, where laws have been made in parliament, without the king's writ to summon them, which, for brevity's sake, I forbear to mention.

For a farewell; the objections quarrel at our happiness, fight against our safety, and aim at that which may endanger destruction.

A Letter from a Gentleman in the Country to his Correspondent in the City, concerning the Coronation Medal, distributed April 11th, 1689.

"A specimen," says the former editor, "that Jacobitism begun with the same spirit of misrepresentation and false prophecy, in which it has subsisted."—The topics seized upon are exactly those which were likely to influence the public feeling at the moment of revulsion, and the treatise is written with a good deal of malignant wit.

Sir,

You have obliged me very much by the account you gave me of the coronation: but I have had some remarks from another hand, concerning the truth of which I suspend my judgment till you inform me better.

I shall give you the relation in the very words as I received it. There was one thing which much afflicted all true Englishmen, because it is believed it never happened since William the Conqueror's time; which was, that a king and queen of England should make their procession at the coronation through a treble rank of armed horse and foot, all foreigners. It grieved us all to see, that for want of some interpreters betwixt them and the multitude, which usually press upon such occasions, an infinite of the poor English, even well-wishers to the new king and queen, were not only rudely treated with stern countenances and Dutch curses, but continually pushed back with the butt-ends of the soldiers muskets, or the serjeants halberts, and sometimes received broken heads, or as dangerous bruises, if they did but endeavour to get nearer. I saw myself many persons knocked and pushed upon the breast with the troopers pistols, and pricked with their swords, for endeavouring to crouch under the horses heads; and when one offered to get nearer through the ranks of horsemen, where they found protection at former coronations by their own countrymen, these rude strangers were sure to check their horses, and make them curvet or turn round, which could not be without the hazard of breaking their legs, or bruising those that were in the way. I need not mention the tossing and pushing men and women from place to place, and dragging them through the kennels, more like slaves, nay dogs, than Christians, which made many spectators sigh and pity the condition of several hundreds whom they saw so used; whilst others were not afraid to say, what most I believe thought, that this was but the beginning, and a light matter in comparison of what the whole body of the English nation (who are not now, it seems, to be confided in) must suffer under these new Lord-Danes before the king can be settled in his throne, that he may safely dismiss his foreign force; nay some, they say, had their skulls broken and died in the crowd, though this is endeavoured to be stifled. Neither do you mention the unlucky qualm my correspondent tells me the king had; nor the Duke of Norfolk's fall from his horse, when he ushered in the champion, which were something ominous.

The gold medal you sent me, the true meaning of which you desire me to explain, gave me and some friends of mine no small diversion. And to deal plainly with you, I think the contriver of it hath done their majesties little service.

I need not tell you that the custom of stamping medals (upon whose reverses the inaugurations, victories, or great achievements of princes or generals, were represented either expressly or by some emblem) is as old as the first coinage of money by the Grecians and Romans. Nor that in the last century and this they have been improved, and many ingenious devices invented suitable to the noble enterprises which were by those means to be perpetuated, and are to be found in the repositories of princes, or published by Luchins and others on that subject. Insomuch, that we find even John of Leyden, after he had gotten entire possession of Munster, and filled it with his crew of anabaptists, notwithstanding his pretended sanctity and mortification, coined several medals, which were indeed very ominous to him; for this mushroom-king sprung from Holland, continued not above six months before he was hung up in an iron cage, with some of his complices, upon the top of a tower in Munster.

I might give you various instances of auspicious inaugural medals, but that I intend this only as a letter. Therefore I shall proceed to the present medal, which of what nature it will be time alone must shew; yet I foresee it will give great occasion to the maligners of our new-crowned king and queen to pass their malicious censures on it.

One of my friends viewing the two faces of the king and queen, said, that such conjunctions in medals had oftentimes proved unfortunate; for he had, not long since, by him the medal made for the two Dewitts, which much resembled this, if the head attire had not been different, whose inhuman butchery by the mobile of Amsterdam, gave the very first rise to the then blooming Prince of Orange's greatness: and all the world (says he) knows that King Philip and Queen Mary of England, and King Henry and Queen Mary of Scotland, whose faces and names were joined in their coins and medals, were not very fortunate. But I told him, since the parliament had joined them in the sovereignty, they could not be disjoined in their coin, and I doubted not but their fortunes would be alike, good or bad.

When I received the reverse, I was heated into an indignation that any person should be so indiscreet as to choose an emblem upon such an occasion, so subject to misinterpretation as this would be. For as Julius Cæsar said to his wife Calphurnia, "That it was not enough that she should be innocent, but that she ought to be so cautious in all her actions, that she should be free even from suspicion," so ought it to be with emblems and medals; they ought to signify and express so clearly the worth and greatness of those princes actions which they represent, that no sinister interpretations might be made of them. And this indignation was increased by the reflection which a gentleman made, who first looked upon the reverse with me.

This gentleman seeing a chariot, but not understanding the Latin inscription, and having heard the town talk of Tullia, who instigated her husband Tarquinius to kill her father Servius Tullius, king of the Romans, that he might succeed him in the throne, and, as Livy says, "Caused her chariot to be driven over his mangled body;" cried out, "Is this Tullia's chariot?" This, I say, shocked me, and raised my anger against the contriver, who had chosen so ill an emblem, which, upon so superficial a view, brought such an odious history into men's minds.

Another by-stander seeing the figure which represented Phaëton, whom the poets feign to have obtained leave of his father Phœbus to guide his chariot for one day, and who, by his want of skill to govern the fiery horses, had like to have set the world on fire, had not Jupiter struck him dead with a thunder-bolt, exclaimed against the emblem as full of ill omens, and said, "That the people knowing that this king and queen had, not by permission, but by violence, ascended their father's throne, would look upon this as his chariot which they drive, and interpreted Jupiter's thunder-bolt as a sign of some judgment of God impending over our gracious prince, for this, which he called, an unnatural usurpation."

This made my cheeks and ears to burn, and I told them, they were both extremely wide of the inventor's meaning. For by Phaëton he meant King James, who, by misgovernment, had endangered the destruction of this kingdom, and that God having compassion on his church and people, had struck him from his regal seat.

But another gentleman then present said, "That although he verily believed that was the contriver's meaning, yet there were so many exceptions to the congruity of that fable with the circumstances of King James's reign, that he might as well have offered the war of the giants against Jupiter, as this, to represent the inaugural glory of our king and queen, which ought to have been the only subject to be considered."

He said, that Phaëton could never represent King James, since the throne or chariot belonged solely to him, as hereditary lawful king; neither could it be said that he had asked any one's leave to guide it. But that all men knew an usurper was the moral of Phaëton in the fable, and an usurper in his father's reign.

Moreover, (said he) if King James must be Phaëton, then King William must be Jupiter that struck him out of his chariot, or Phœbus that reassumed it after he had been thunderstruck; and how disagreeable this was to the whole scope of the fable, was obvious to every school-boy that read Ovid's metamorphosis. Nay, he farther affirmed, that this emblem seems to presage King James's returning to his throne again, and if so, it would be congruous in almost all its circumstances.

I must confess, sir, I could not heartily contradict this gentleman, but wished the author had either consulted books or men, for a more significant and unexceptionable emblem. But since he has been so unfortunate, if not malicious, if you know the person, advise him to get himself included in the act of indemnity; it being a crime equal to the counterfeiting the king's coin, to contrive a coronation emblem that gives such occasion of censure and reflection to the malcontents and maligners of King William, our present Phœbus, from whom we expect a wonderful deliverance.

April the 16th, 1686. Sir, I'm yours.

Honesty is the best Policy. 1688.

A Jacobite tract, written to promote what the party long hoped for as a probable event, the restoration of the Stuart family. The active friendship of the French king seemed to place this event within the bounds of probability when the treatise first appeared.

THOUGH men are so transported, yet nevertheless I will at this juncture endeavour to shew every party what infinite hazards they have run, what great losses they have sustained by partial notions, unreasonable aversions, and bigotries; and because I would yet heal and compose all our differences, I shall avoid all sarcasm and levity of expression, and likewise because I rather consider the dispute between the king and his people, than between him and the Prince of Orange; for I believe no unbiassed wise man can, even now, in his conscience, think the prince has dealt honourably or religiously by his wife's father, and his own uncle, unless the Cameronian Reflecter, where he talks

of the difference betwixt kingdoms and families, had proved it more lawful to steal crowns than trifles, or rob so near relations than other men. The king and mankind must forgive me, if justice command *infandum renovare dolorem*, to look a little into the causes of the late civil wars. I am the farthest man alive from justifying the execrable murder of King Charles the First, but on the other hand I cannot say the people began that war without great provocations from the ministers of those days. I believe the laws of England make the kings of it unaccountable in their own persons; but the monopolies, the loans, the ship-money, and illegal imprisonments, &c. were real grievances. How fatal that war was both to the king's and parliament's party; how horrid in the issue of it, in relation to the royal blood, may be read in our histories, and is felt in our constitution. But whence originally came all those misfortunes? If any man tells me long stories of the religious contentions, I must confess I blame them, and I allow they had their weight; but I take the root of those great evils to proceed from defects in our civil constitution: I will point out the defects, but I neither have authority nor genius to propose the remedies. Ever since King Henry the Seventh's time, the nature and element of the English government have been altered. *All* regular governments (call them, and let the titles of their magistracy be what you please) partake of all the three several sorts, but there are in all climates ebbings and flowings of the monarchical, aristocratical, and democratical particles of the composure, and all the councils of state must be proportioned to those alterations. Take a view of our government before Henry the Seventh's time, and you find a monarch whose basis is aristocracy, but if you will reflect solidly how he has stood since, it is upon the foot of the people. Queen Elizabeth understood this, and governed happily; and her ministers, Cecil, Essex, Raleigh, Walsingham, &c. were less her minions than they were the favourites of the people: Though her title was disputable, protestancy but new, Spain powerful and ambitious, yet by pursuing large measures, and taking beloved men into her councils, and by suffering them to advise honestly, she was too hard for all the difficulties she met with, and after a long reign laid down her head in peace. I think princes may learn lessons out of her life, yet I will not be her panegyrist, for I think she was sometimes arbitrary, but herein I think she excelled, to wit, that when any thing began to be generally misliked, she soon heard the voice of the people, and gave way to the impetuosity of national discontents, and so was a greater mistress of crown-craft than most of her predecessors, or those that succeeded her. King Charles I., though a prince of many royal virtues, was a little too tenacious of his purposes, and thought himself a greater judge of national exigencies than a House of Commons think any king ought to be; and after all the schemes of the schools, and the advices of flatterers, no king of these kingdoms can sit sure that is not well with parliaments. There are propensities to which all constitutions of state must be adjusted, and the bodies of men will every where be too hard for all speculations. A thirst after liberty expelled the kings of Rome, and there were indications of almost absolute monarchical dispositions in the factions of Marius, Scylla, and Catiline, before Cæsar's perpetual dictatorship; the revolt of the Low-Countries from the Spanish government, when in all its height and strength, shews no armies can be too hard for universal resolution, and is a *memento* to all crowned heads, that where a monarch will strain the bonds of government in despite of the people, they will break them. When the barons were able to make war upon slight pretences, if the kings kept fair with the barons they were safe; but the crown, the barons, and the greater gentry since the barons, could sell their lands, and the court of wards has been taken away, and the crown has disposed of its lands, so can govern no longer securely than they have reputation with the people. Government must follow, in a great measure, the nature of the tenures, and there must be an Agrarian law for power, where the lands are so distributed. You see I have started many bold hints, but I am not willing to draw them out at length, nor to write

over closely where I may endanger the good opinion of all sides; but I will conclude upon this point, that since the princes have had an inclination to greater power than the people will comply with, and the people a stronger lust after liberty than our kings were willing to satisfy, that the one has mistaken prerogative, and the other as much their privileges, it would be well if a new Magna Charta was made to explain and assert each; this would be a happy conclusion of our troubles, this would turn our swords into plough-shares, and has been heretofore the most warrantable product of those stirs that mal administration occasioned. Thus our parliaments could not be corrupted, nor our judicial proceedings be precarious. Englishmen have now an opportunity to secure these good things, for since Providence has itself been pleased so to order it, that the king has been defeated in Ireland, and the French have received so great a loss at sea, we have no longer reason to dread a French or an Irish conquest; and the king cannot but now know, that he can never come to wear the crown of these nations unless he will make such condescensions as are proper for our circumstances, and are necessary to secure both our religion and our property. I have been with him since his exile, and the last words he said to me were, "That he sent me home to make a bargain with his people;" but I did not meet with people whose minds were prepared to propose just and equitable expedients. He knows I would not make ill conditions for my country. I have been suspected of being over nice and zealous for it. I confess I am more concerned for its welfare than for all my own nearest and dearest interests, yet I can very well comply with the equal and hereditary monarchy of England. I never was an enemy to the word *monarchy*, nor designed to interrupt the succession of the crown; nor do I think it the interest of any man that loves peace, and these nations, to do it: On the contrary, I this day affirm, though we ought always to have expected terms from King James, or have sent them to him, we ought not (though I would have good ones) even now to make such as would make him justly uneasy, so unreasonable ones as would be unfit for him to grant. We must deal impartially if we would ever compose things; we ought to shew our claim, or at least our necessity, and we ought to couch things in such words as, though they speak plainly our sense, may have a due regard to his dignity. Forgiveness and righteousness have been preached to him as the certain establishment of his throne; he has been humbled by afflictions; he has heard of his mistakes, and has hearkened to free advice; he has reason to have it, and he has temper, and perhaps both he and we may be the better for our tribulations if we once accommodate our disputes. I never flattered the king. I have spoken plainer to him than I write now, and I believe I am not the less acceptable to him for my plainness; and as to any objection and scruple that may be raised by a declaration that is published in his name, I must say I know no more than he that reflects upon it whether it be King James's declaration or no; for about three years since there was a declaration published in his name, for the spreading of which several people were imprisoned, that I was afterwards told (by the author) King James knew nothing of. And I must say further, that that declaration which has been lately published does not answer to the spirit I left him in many months ago; for, as I said, he told me he sent me to make a bargain,[1] to know what it was his people would have. I cannot answer for what accounts other people sent him, but I am sure he will so far justify me as to say I have been ever against excepting men's lives or fortunes. I have been ever for being very explanative about the liberties of my country, and if any body with him, or any here, have led him into measures that are disgustful to the people, I think I may boldly aver it is misinformation, and not malice, that makes him liable to misconstruction. Those that wish for the best things are the shyest, have ever been too shy towards him; and it is not impossible that this government may bribe somebody to give

[1] The word *bargain* is a term of condescending language.—*Orig. Note.*

too plausible names and reasons for those things that may turn to the king's prejudice, as some did here before the Prince of Orange came; but the day that he really refuses from any sort of men, that can shew a probability of bringing him home, any proposals that have tendency to universal good, he gives leave to his subjects to have recourse to the laws of self-preservation; then, and not till then, he abdicates his crown.

This is speaking plain English; you see I speak plainly concerning what the king must do, therefore let me also speak some plain truths, and rehearse some matters of fact to my countrymen; and here I will begin with asserting, that if the people would be true to themselves at the restoration, and careful in the elections of members to parliament, we need no other treaty but what the king will be forced to make good in the first sessions. We need not fear French or papists; we are too large and too brave a country to be a plantation. France cannot spare from off the continent men enough to govern us contrary to our inclinations; and though our historians talk of our being conquered, any man of sense sees it was by composition; it was from parties within, and not from force without us. As for the Roman catholicks, their numbers are inconsiderable, and though they have good estates, and some men of great natural sagacity amongst them, yet their having been out of business keeps them from understanding the knack and turns of it; and, whatever weak people think, a king of that persuasion, in a protestant country, is, more properly than any other laws can make him, a *de bene placito* king. Sir William Temple's Observations upon the Netherlands, and his Essay upon Governments, can never be too often read by prince or people; the one may be taught by it how to govern, and the other cured of unreasonable fears. Standing armies are the justest dread to civil liberties; but they are many ways as dangerous to kings as they can be to their people. A beloved general may turn their competitor, and every mutiny shakes their thrones; and the king that will make his subjects slaves by their hands, must be as much and more a slave to them. If the troops are foreign, he must be the tributary and vassal of that prince who lends them; and if they are home-bred forces, the dispositions of the populace will infect the army. But besides all this, no country, though they may maintain forces enough to suppress a sudden insurrection, can possibly maintain enough to govern contrary to the general genius of the nation. The people of Turkey hold all their lands of the crown, and like their government: And as for the peasants of France, they talk daily of their grand monarch. An ill-concerted conspiracy may miscarry; hot-headed men may expect too soon to fire their countrymen, but general dissatisfactions are no more to be withstood than general conflagrations: When necessity and self-preservation arm men, let their weapons be what they will, they will cut their way through all opposition. Indeed if a people are divided, as we are, the danger must be common, or very notorious, before they make use of their intrinsick power: But if some laws were enacted to keep ecclesiastick controversies out of the pulpit, and the people were not taught to believe what in cases of extremity human nature will never practise; if divines are not suffered to dispose of the kingdoms of this world, civil crimes and rights will be soon called by their proper names, and we shall recover our liberties in a parliamentary way before things grow desperate; it is dangerous, and ought to be criminal, for them to pretend to set up the boundaries of government; they may preach in general submission to authority, but they are not to bring texts of scripture, and much less Aristotle's Ideas, or Xenophon's Cyrus, to overthrow our statute books and depreciate the laws of England. By an act of parliament in the time of King James I., no man who was not bachelor in divinity, was to preach about predestination or free-will, because that controversy then troubled the church; and sure I am that the clergy of no degree ought to preach about the prerogative and our privileges: Their state is not genetally great enough to keep them from flattery and sinister interpretations, by which too many of their predecessors have been raised to church dignities. They understand not our laws, nor have they much

credit, for these reasons, with the people; and they ought now to have less, since so many of their coat have prevaricated. In a word, they ought, by their function, to understand the mysteries of religion, and leave the *Arcana Imperii* to the lay-men. They ought to be punished if they call men idolaters, schismaticks, fanaticks, rebels, traitors, seditious persons, with the &c. of their Billingsgate rhetorick. Liberty of conscience will make one part ill manners; and crimes against the state are proper for the cognizance of the civil power: nor do I believe it was ever bettered by the interposition of any sort of priests; nor indeed is religion itself the better for the affection of the gentlemen of that robe to intermeddle with matters merely temporal; but, God knows, they are too often buzzing that this and that thing is republican, and they have needless apprehensions for their church. As for the commonwealth principles, scarce any body carries them so far as to be against having a single person at the head of our affairs; and as for chopping and changing kings, or rebelling when there is occasion, I do not find the church of England is so much behind hand with any other sect: she can lead the dance, and though she may pretend weariness before it is at an end, yet she can comply for company. But, after all this is said, I think her, of all the several churches, the best for this nation, and so do almost all Englishmen, which leads me, as the parsons phrase it, to shew the unreasonableness of her fears. As much as the church of England-men have caressed and wrote for an arbitrary power, "nothing else can pull down their church;" and she might see, by what followed the two tolerations since the royal blood was restored, that however she has treated the dissenters, they will never join to pull down the church of England and let in popery; nor will she ever again be wormed out of her discipline, if she never yields to comprehension, "or is not too plainly an enemy to civil securities." But I have made too long a digression, and perhaps some may uncharitably think I like too much the subject matter of it; but I only design the good of the clergy, and the general peace of England. No man can have a greater value than myself for all those of that order who are serious Christians and sufferers for their principles; but if they will consider how many of those that were in the late civil wars and in this revolution, went constantly to the church of England, they will not think it very adviseable for princes to govern themselves, by supposing that men will live up to doctrines that (I shall not say) are mistaken in idea, but only assert that they are too self-denying to be expected in practice from our profligate age. I make profession of great plainness, but I beg a candid interpretation from the church of England for what I have said, and from the whigs of all sorts for what I am about to say to them: I think they have not made the wisest use of the kings they have quarrelled with, and that they are too frantickly apprehensive of slavery. There are great lengths that all mankind will go with them; many of the church of England joined with their principles at the beginning of the late civil wars, and their consciences did not misgive them till they had humbled that unfortunate prince into such concessions as would have effectually secured the rights of Englishmen. Let any body look over the offers that king made, and especially at the Isle of Wight treaty, and then tell me whether there was any reason to bring the reproach of King Charles's murder upon these nations. I am not just if I do not say the whigs are too soon displeased and carry their points too far, and that they over-rate their numbers; the men of the best quality and estates have generally a mind to peace, and are not so eager for critical reformations. Some of the whigs therefore start grievances before others feel them, and are hazarding our very fundamentals for the chimeras of a warm imagination and a punctilious nicety, which jollier heads and sweeter natures can never comprehend; and at last they weaken themselves by subdivisions, for they spin their thread too fine, their speculations are scarce practical, and end in vision; though they are for liberty in religion, they are for persecution, for fire and faggot, for

extremity in politicks. The bulk of freeholders will stick by essentials, but the whigs almost nick-name their own notions, and then it is no wonder if the tories take them for scarecrows and bullbeggars, and that the propagators of such doctrines are represented unreasonable men, rather beautefeux than patriots; you out-word your own opinions, and you talk hyperboles and catachreses, and the tories think you lunatics because they do not understand your language. You ought seriously to consider your numbers, and you will not find disproportion enough between you and those tories, to make it reasonable that they should wholly subscribe your state creed; and perhaps there will be less reason if you look back, and find that though some fierce men of that party (and God knows there are such men in all parties) may have been for screwing up monarchy too high, yet many that are for supporting the church of England and limited successive monarchy, have always joined in all honest and moderate things. Indeed, when King Charles II. returned, his first parliament gave him more power than they were afterwards willing he should keep; but were not the whigs as mad at the inauguration of the Prince of Orange? If the church of England in the reign of that prince did not hunt so hard when the popish plot was on foot, I suppose many of you are at this day convinced you were too keen, and that the business was a little over-swore. They opposed the bill of exclusion, without peradventure being in the right of it; for it was purely personal in its regards, loving one man more than liberty, and hating another more than slavery; and miserable is that people whose security is more from the temper or religion itself of the magistrate than the constitution of the government. I cannot but bemoan what we lost by your heat at that time. If you say the church of England *quo warrantoed* corporations, they did it no more than the fanaticks regulated them. I think it unjust to charge parties with the faults of particular persons: There was but a few of either party concerned in either of those evil steps, and 'tis as unjust to take away the reputation of either party for the miscarriages of those few, as to take away charters for personal mal-administrations; and I am confident, that even all the non-swearers of the church of England would have been willing to have ascertained our constitution, and secured our administration when the Prince of Orange came; they were weary of pretended unlimited prerogative, to say no more, and I think I ought not, if I would please them or you. But pray what harm had it been if we had not changed the name of our king, if we had altered the complexion of affairs? Is it not a shame that Sir Thomas Clarges and Sir Christopher Musgrave, &c. should have consulted amendment more than those that have taken the degree of doctors at the King's-Head club and at Richard's coffee-house? Is it not a shame that you would not make the embryos of necessary insurrections less liable to prosecution in the last session, and that you could in the convention suspend the *habeas corpus*, though when you gave the crown you declared it a fundamental right? If you have liberty to elect kings, why are you so angry at those that will chuse their old one again, and perhaps upon more honest limitations than you created your's? The word *limitation* puts me in mind that I promised to shew that you are too violently apprehensive of slavery, and therefore I will once again say you did not make the best use of your victories over King Charles I., because you brought them to a point wherein the consciences of most rebuked them, and wherein the generality were not likely to succumb; and you were as indiscreet in the management of King Charles the Second's tenorous nature, who would have denied scarce any thing but the bill of exclusion at the time that that was first on foot, and indeed would have found no party to buoy him up in the denial of any thing else. To obviate your unreasonable fears of slavery, I beseech you to consider whether history gives an account of any people that have been made slaves but by their own inclinations to be so, unless by an entire conquest; and I once again affirm, it is not in the power of France to conquer England, unless by our own divisions, and

those divisions would soon cease if we did not oppose the bringing home King James upon civil securities. The Prince of Orange hates the persons of the whigs, and more their principles, and makes all those of them he employs change them, or at least act against them; yet their implacable hate to King James will not let them, though they have so much punished him and themselves, forgive errors in him which they commend in this man; and if King James is ever restored, it will be easy to misrepresent their notions, by reason of the men that profess them: Whereas, would they plead for their liberties under a restoration, and not talk in prejudice of the established worship of the church, (to pull down which is neither the business nor the desire even of any wise dissenter,) the church of England will join to ask and expect all things that can make our constitution happy and stable, not only under any popish but under all kings. Reflect seriously whether the body of the nation, which is mostly composed of the church of England, has not been struggling these last fifty years for more liberty; this may instruct the whigs that they need not fear the loss of it, and King James that he must give it. The nature of our situation, of our tenures, of our inclosures, and especially of our people, is a full security that we shall never lose our beloved liberty and property, unless the whig party are so unreasonable that they chuse to embroil us in civil wars rather than to hearken to any proposals from King James, or join with others to send proposals to him. The reduction of Ireland and the cessation of the Highlanders have not ended the jacobite quarrel, and though this defeat of the French by sea damps the wild and visionary jacobite, yet it will not put an end to our miseries: Were King James dead, the Prince of Wales would be thought on, and those that believe successive monarchy are very much (whatever you think) satisfied of his legitimacy; but were he, and the child of which the queen is lately delivered, and King James also dead, if the Princess of Orange should die, the Princess of Denmark must be a most resigned woman, if she did not ask for her right: Whatever others can, I can yet see nothing but confusion and calamity, intolerable and eternal taxes, together with the loss of trade and honour on the one hand, and on the other hand our ancient plenty, and our ancient government, without Sunderland being re-made secretary of state, or a general excise established, which are the resolved-on methods of King William: But I must yet give an account of the most dreadful hobgoblin of all, Popery. I believe as little of its creed, and as ill of its practices, as any body; but I would take a new method to civilize those wild men that you think beasts of prey. I would treat them better; I would enfranchise them. I blame neither papist nor fanatic for being in a plot, till they are impartially dealt with: And yet I can, and do, and ever did, and I am confident ever shall comply with the church of England; so that it is not personal concern makes me say this, but a firm persuasion which I have had these twelve years, that where a nation is divided into sects, church and state matters ought to be distinct. As we manage the point, the papists will be vassals for the court of Rome, and spies for every catholick monarchy from whence they may hope a deliverance, as well as flatterers of prerogative; but if you would blend them with all the other sects, they would not be tasted in the composition, nor would they be looking for succours from abroad. But when I have said all this, let the Roman catholicks at their peril endeavour to be invidiously preferred, or engross the king, we can put a bear-skin upon them when we please: And if a king of their persuasion will be the king of their party, the next revolution will extirpate papist, and the royal line to boot; and now we can cut off and abdicate kings in the face of the world; We shall learn massacres, and turn into a perfect commonwealth. I will allow you gentlemen to believe transubstantiation, but I advise you as a friend not to trust to miracles; but to allow that natural weight will be too hard for all your supine projections: So that though I am for your having utmost liberty, and though I am as much an enemy to civil inquisitions

here, as to your religious, or rather irreligious one in Spain, yet I would have you remember that I say you are to have that liberty only upon your good behaviour. If King James comes in, if you will not as industriously as any other party promote the general good: If you will not be as zealous for it as your predecessors, when they got Magna Charta, you will be a hated faction still, and find me too true a prophet at last. I think the French never were, but I believe every body will allow that they have now no reason to be so visionary as to expect to make us a colony; and if any catholicks or mad tories still expect force from abroad shall set King James upon the throne, they are madder than any set of men but those whigs that fear a French conquest, and from thence popery and slavery.

I have treated upon odd things, and in an unusual manner, and perhaps shall have tired the peruser, but to speak in a few words the drift of the whole—It is to invite all my countrymen to be ready to receive the king upon such large and comprehensive measures as ought to satisfy all parties; it is to incline all parties to be reasonable in their demands, and to persuade King James to give such terms as the people will thank him for now, and will have, or eternally be resty and uneasy; it is to persuade all Englishmen to consider church and civil matters apart; it is to incorporate all our sects into one national interest; it does allow government from God, but the specification from men; it is not to quarrel with hereditary monarchy, but desires we may be safe in our lives and fortunes, and that we should sacrifice them for the public against enemies abroad, rather than by intestine jars: In a word, all this ramble is to persuade to a new Magna Charta; to peace and justice, which God grant may be the conclusion of all our dismal appearances. I wish men would rather cast about in their thoughts how to draw such a Magna Charta than to make opposition, which can never determine the controversy, as long as any one branch of the right line is alive. I wish they would rather think who should represent them, than who should fight for them.

To conclude, I expect to please no one party, because I appear to be of none bigotly, but write for the general good. Though I think what I have set down are truths, yet I fear they are too strong to be digested, they do not close with the partialities of any sort of men; however, they are well meant, and I leave the issue to the great Disposer of all things, and men to jumble and cut and be unfortunate, till they find by experience, according to the title of this discourse, that

Honesty, after all, is the best Policy.

The Speech of the Right Honourable Henry Powle, Esq. Speaker of the House of Commons, delivered to the King and Queen's Majesties, at the Banqueting-House in Whitehall, Friday, April 12, 1689. *With his Majesty's Answer thereto.*

This speech was delivered on occasion of the coronation of William and Mary, concerning which Ralph mentions the following particulars:—

"It is remarkable that the Commons, who had given his majesty the crown, were not permitted to assist in putting it on; the speaker on the fifth [April] giving the house to understand, 'That

his majesty had appointed a gallery for their reception in the abbey, and another in Westminster-hall, and a dinner to be provided for them in the court of exchequer, but that his majesty did not think it altogether convenient for the house to bear any part in the procession.' On the next day after the coronation, they had, however, a procession of their own; for the whole house in a full body walked from Westminster-hall to the Banqueting-house, to congratulate their majesties on that happy occasion, and were most graciously received; for as their orator overflowed with prayers and praises, his majesty did the same with promises and acknowledgements."—RALPH, II. 71.

YOUR most loyal and dutiful subjects, the commons of England assembled in this present parliament, having to their unspeakable joy seen your majesties placed upon the imperial throne of this kingdom, they have desired access at this time to your royal presence, humbly to congratulate your majesties upon this occasion, and to wish your majesties a long and prosperous reign, with all the blessings that ever did attend a crown.

We are all sensible that your majesties greatness is the security of your subjects. It is from your power that we derive to ourselves an assurance of being defended from our enemies, and from your justice that we expect a full enjoyment of our laws and liberties: But that which compleats our happiness is the experience we have of your majesties continual care to maintain the protestant religion; so that we can no longer apprehend any danger of being deprived of that inestimable blessing, either by secret practices or by open violence.

May the same Divine Providence which hath hitherto preserved your majesty[1] in the greatest dangers, and so often given you victory over your enemies, still crown your undertakings with success.

And may those unparalleled virtues, which adorn your majesty's[2] royal person, be the admiration of the present age, and an example to the future.

And may the lustre of both your names so far outshine the glory of your predecessors, that the memory of their greatest actions may be forgotten, and your people no longer date the establishment of their laws and liberties from St Edward's days, but from the most auspicious reign of King William and Queen Mary.

His Majesty's Answer.

GENTLEMEN,

We return you our hearty thanks for the kindness and respects that you have upon all occasions shewed to both of us; we shall take care to the best of our power of all things that conduce to the good of the kingdom; and I do not doubt but by God's assistance and yours, we shall be able in a short time to make you a flourishing people.

[1] To the king. [2] To the queen.

A MELIUS INQUIRENDUM *into the Birth of the Prince of Wales: Or an Account of several new Depositions and Arguments* pro *and* con, *and the final Decision of that Affair by the Grand Inquest of Europe, being a Supplement to the Depositions published by Authority in October last.*

Printed in the Year 1689.

A heavy piece of pleasantry concerning the alleged imposition practised upon the nation by the abdicated monarch, in the matter of the Prince of Wales. From various idiomatical expressions the Tract seems to have been translated from the French, and was probably composed by some Hugonot refugee, or Dutch person of wit and humour.

Consultation of the ORACLE, *by the great Men of England, and the Potentates of the Earth, to know if the Prince of Wales (given of God,* Deo datus,*) be supposititious or legitimate.*

As soon as the darkness of the night was dispersed, and the morning had appeared, the gates of the temple of the Divinity opened themselves, and one might see all the potentates of the earth hastening thither: Great number of princes, and mighty monarchs, many Heraclitus's and Democritus's, the one sad and the other merry, for the birth of this new Messias; the catholic princes were in dispute with the protestants; the latter did maintain that the Prince of Wales was suppositious, and the first the contrary. It was then resolved, by one part as well as the other, to refer the business to the Oracle, and that the divine Apollo should decide a question, whereon the happiness of Europe depended.

The Pope

Being the first advanced, kneeled to the earth, and having taken in each hand a certain composition, went on foot to the entrance of a little cavern. As soon as he found himself within, with a great deal of eagerness and haste, he spoke

To the Oracle.

"I desire to know four things before my death.

"The first is, to see Constantinople purged from execrable Mahometism, by my good son Leopold, Emperor of the East and West.

"The second, to see my eldest son, the King of France, to repent himself of all those affronts that he hath committed during his reign against the Holy See, against the other kings his brethren, and against his poor people.

"The third, to see my son Charles II. always poor, become sufficiently powerful to

revenge himself of his brother-in-law, and to give to the throne of Spain a successor, whether legitimate or supposititious, according to the example of King James.

"The fourth, to learn if my son King James II. be well fixed on his throne, and if the young Prince of Wales shall be legitimated by the parliament."

As soon as the Holy Father had ended, all those powers that had followed him were impatient to speak of the Queen of England's lying-in, and of the birth of the young prince; and although the cardinal of Furstenberg desired it, and would by all means speak of his election, he was ordered to hold his tongue, and it was resolved, that the court of England should first be allowed to give reasons whereby she pretends to prove that the Prince of Wales is legitimate; that the protestant princes, who had arguments to prove the contrary, should be heard next: That the question should be disputed with mildness and moderation; and that the court of France, as well as the court of England, as allies, should be desired to occasion no dispute, but leave it fairly to the decision of justice.

The King of England,

Attended by Father Petres, who followed him step by step, approached the holy cavern, and thus spoke to the

Divinity.

"I give God thanks for giving me a son on the 10th day of June, 1688, and that he gave a happy delivery to the queen my wife, by the birth of the Prince of Wales."

His majesty had scarce made an end of pronouncing these words, but a protestant prince interrupted him, saying,

"We all give thanks to God, because we have discovered that this young prince is the son of the Society of Jesuits, and that he ne[illegible]ad any royal blood in him."

These words were no sooner delivered, but Father Petres advanced, and having fixed his triangular cap upon his head, to shew his indignation, thus said to the

Oracle.

"The hereticks do nothing but laugh at the queen's lying-in, as if the Prince of Wales were only a supposited infant; for my part, who was not a moment absent from the queen, I know better than any person, and if I do not tell truth, I will call Mrs *Wilks*[1] as a witness."

It was scarce observeable that Petres had spoke so much; the priests of the Temple being employed in furnishing the soul of Wilks with proper ideas, to make her recollect. To the end that she might discover the intrigue, she made her stage upon the skin of sacrifices rubbed with certain drugs which disturb the brain, and being present at the holy cavern, spoke thus:

"It is easy to prove that the queen was really with child, if one considers that she kept her bed at her lying-in for two or three days without getting up, and the rather for she never went abroad while she was big."

The Oracle

Ordered, That she should hold her peace, if she had no better proof.

The Priestess of the Temple conducted the Queen of England, as yet weak and indisposed, and having given her her hand to lead her into the sanctuary, she thus said to the

Divinity.

"I prove that I have been with child of a young prince, because I had many pains,

[1] Mrs Wilkes was the midwife who attended Mary of Este, at the delivery of the Chevalier de St George.

for five or six months, and I have always heard it reported, that women with child are always subject to them."

Mrs Cellier, who was near the queen, had a mind to speak again, desired her majesty to add the sickness she was speaking of; that she had several times been sensible of the infant's stirring in her womb, and that these two proofs were convincing.

The Princess of Denmark,

Being called in her turn, came near, and said to the

Oracle,

"I find it very difficult to believe that the young Prince of Wales is legitimate, if it be true what is said, that he was some hours at St James's, afore the queen came thither to lie-in."

The Oracle

Answered her:

"This proof is strong, have you any witnesses?"

The Princess

Answered him:

"Yes."

The Rev. Father Smith, and Father Alix, Jesuits,

Conspiring together in a design to destroy the proof which the princess had offered to produce,

Father Smith,

As being the eldest, spoke to the

Divinity.

"I maintain that the queen hath been with child, and that the Prince of Wales is legitimate, by reason the queen hath resolved, at the present, to have a daughter, and after that another daughter, and then another young prince, that if it happens the first should die, his majesty may be provided of a successor."

Father Alix

Took his turn, and said,

"For my part, I prove that there is nothing suppositious in the person of the Prince of Wales, and that he is the legitimate son of the king, because he was informed that the child was baptized on the 15th day of July, 1688, it being St James's day."

The priests went out of the holy cavern, and returned before the queen's ladies of honour, and having made them drink a glass of the water of the river Hircinas, they said:

"We maintain that the queen hath been really with child, because she was always troubled with a kind of a gout, which hindered her going, and always obliged her to be carried in a chair."

The Archbishop of Canterbury, attended by his Suffragans,

Came near to the Divinity, extremely pleased to have been acquitted in his trial, and that innocence had prevailed over calumny.

The Divinity

Made him be informed by one of his priests, that he was exhorted to reveal what he knew, or what he had learned concerning the queen's lying-in; that there was no degree of power above the gods, and that he was obliged in conscience to tell the things as they were, and being approached, he spoke to the

Oracle.

"Because you conjure me, by all that is most holy in your temple, to discover an imposture, which the society of jesuits takes care to conceal from all Europe, I shall tell you then in two words, that the Prince of Wales is too supposititious, and that they put us in the Tower at the very time the queen was in the straw, to the end that the bishops of the kingdom might not be present."

The King of England

Hearing this discourse, came forward hastily, and being angry with the archbishop, called him rebel, adding, That he knew how to make him obey.

The Oracle

Answered the king: "That he had forgotten that the place where he blasphemed was holy, and that he ought to be satisfied long since, that the gods esteem bad kings no more than silly shepherds; that he ought to abate his fierceness, and thank the gods for giving them more good things in this world oftentimes than they deserve."

The King,

Being desirous to answer what the archbishop had objected, said, "It was true that the bishops were put in the Tower before the queen lay in, but also, that order was given to release them, and there was nothing to hinder their visits; besides, I am not willing to argue thus with my subjects; I am a king, and expect to be obeyed, without disputing, and when I say that the Prince of Wales is my legitimate son, this ought to suffice, and they ought to believe it."

The Oracle

Answered to all this, "That he was not well satisfied with his majesty's behaviour, and that he ought to have more moderation, and to bring good proofs, because we came hither to know if the Prince of Wales was legitimate or supposititious, and not to dispute his royal prerogative."

The priestess had orders to advance some

Members of the next Parliament,

Who spoke thus to the

Divinity.

"His majesty hath solicited us, by his chief almoner, Father Petres, to legitimate his son the Prince of Wales, when we shall meet in parliament; and all the people cry in London, that it is a supposititious child, that his father is a poor citizen, and that his mother is a poor woman, which the jesuits have persuaded, by money, to keep this secret." The

Oracle

Orders the priestess to conduct in the

Earl of Sunderland,

To see what he had to answer to what was proposed. Sunderland having order to enter the Holy Cavern, desired, before that, to abjure his religion, and to assist at the holy office in the king's chapel, and to give a proof of a profound respect. After which he said,

"The Prince of Wales is so much the more legitimate, and the supposition of which they accuse her majesty, is the rather a calumny, by how much the big belly of the queen hath been accompanied with many wonders, viz. As the queen slept, an angel

appeared to her several times, and said to her, 'Have courage, you shall bring forth a son, and his name shall be called Wales:' The queen awaking, started, and saw that this angel was like to him that appeared long since to Mary the mother of God."

The Oracle

Asked him how he knew it to be an angel?

Sunderland

Answered, that Father Petres had told him so.

The Lawyer P——n, one that pleaded for the Bishops,

Hearing that the Earl of Sunderland would prove the Prince of Wales to be legitimate, by the greatest imposture that ever was, could not forbear speaking into the Holy Cavern, as loud as if he had pleaded in Westminster-Hall, and said openly, that it was a shame that such a man as he, whom his majesty had honoured with his charge of secretary of state, should have so mean and low thoughts, and so unworthy of a man of honour; he ought to have known that this angel, of whom he was speaking of, was one of the queen's footmen, who had been instructed by the jesuits to play this part: and that the king, having surprised him, with his sword wounded him in his arm.

The Oracle

Ordered the priests to turn out Sunderland, and bring the

Lord Chancellor,

Who spoke to this purpose to the

Divinity.

"The greatest proof that I can offer, to justify that there is no supposititon in the birth of this young prince, is the coming of so many ministers from all the courts of Europe to congratulate his majesty, and pay their homage to this young prince. As to the rest, his majesty was transacted at his council of conscience with Father Petres, and he forbids to enquire into what passeth there; so if there be any supposititon, it is a secret that very few persons know at court. And the king hath ordered us to compel the people to believe the Prince of Wales to be legitimate. And this is enough, and we ought as much as in us lies to adore these great mysteries, and by no means pry into them."

As soon as my Lord Chancellor hath spoken, the lawyers

L——s, F——n, S——r, T——y, F——h, S——s,

Were ordered to answer what my lord chancellor had said; they all unanimously said, "That having gained the cause for the bishops, they would do their endeavour to get that for the people also, and to maintain, by an authentic discourse, which they would publish concerning a supposititious birth, that the Prince of Wales was supposited; but they prayed the divinity to grant them some time." The

Oracle

Answered them, That it was granted, and that in the mean time the priests should be examined of such as are to appear.

The priests had order to introduce the

Jesuits of the College of the Savoy.

The most ancient of them having taken off his triangular cap, said,

"That the greatest proof that they had that the Prince of Wales was the lawful son of the king was, that his majesty had promised on the day of his coronation, that he intended to give a successor to the crown, and that the king had now performed his royal word in giving them this young prince, whom they should always acknowledge as legitimate, since they being Roman catholics, it was much for the advantage of their society." Tho.

Oracle

Answered, "That these reasons proved that the king had a successor; but the question now was, to know if this successor were of the blood royal."

The priestess had order to cause them to go out, and to introduce the

Nonconformists, the Quakers, and Presbyterians.

The quakers being come in, said, "They had presented many addresses to his majesty, for to thank him for the liberty of conscience he had granted them, but that they acknowledged now by experience that he would not keep his word, and that he would break his word as often as it tendeth to make him absolute; that they think the Prince of Wales is suppositious, and that they will give their proofs in writing."

The nonconformists say, "That his majesty is full of designs, which he hath to advance the papists in all charges, and that his favours are chiefly reserved for the jesuits, and that at last he will repent for having assisted at the making so many innovations; and as to the Prince of Wales, it was easy to suppose it suppositious, because it was a month before the queen lay in."

The presbyterians say in their turn, "That what hath passed at the birth of this young prince, where father Peters and Cellier, only [illegible]stants, is a convincing proof, that there was a manifest supposition, and that one [illegible] ought to examine the circumstances of this birth to make it appear."

The Oracle

Ordered a priest to take in writing all these depositions, and omit nothing.

The priests had order to introduce the foreign princes and their ambassadors.

The King of France,

Before he entered the holy cavern, according to the example of the Emperor Heraclitus, made his army be purged of the dragoons for three days, who came from the hunting the new converts, and having opened the Holy Evangelist, said to the

Divinity,

"I maintain, at the peril of my life, that the young Prince of Wales is legitimate, and if I ought to transport my armies, by fire bombs and my carcasses, I would reduce the world into ashes, and chastise the rebellious nations that oppose the design of King James my cousin."

The Oracle

Answered him, "That no one ought to enter into this holy cavern, to make French rhodomontades, that the business in hand was to prove he was legitimate or supposititious."

Father La Chase,

Hearing them speak of a suppositious child, came forward; the priests stopped him, pulling him by the arm, and told him, "That he knew very well there was no safety within the cavern for such as came not with good intentions," so that being drawn near, he made many bows, kissed the statue of Trophonius, and said to the

Oracle,

"I hold the Prince of Wales as legitimate for two strong reasons:

"The first, because my master is his godfather.

"And secondly, because my master hath sent him his spirit to inspire him in the cradle with the love for our society, and with a hatred to heresy."

The Oracle

Answered, "That this would not signify any thing, and if he had no other reason, he might retire as soon as he could." The priests took his cap and threw it out of the cavern, and having pushed him out, gave their hands to the

Dauphin,

Who came from hunting the wolf, and having conducted him into the cavern, made him shut his eyes, and asked him the number and the name of the things he came to consult about, and after retired into a little grotto; and having taken the water of a spring that is hid there, the Divinity ordered him to speak, which he did thus:

"I do not intermeddle in other men's affairs, and it little concerns me whether the Prince of Wales be legitimate or not: I only complain, that my father doth all for himself, but nothing for me. The Archduke Joseph is made King of Hungary at twelve years of age, and I am but dauphin at twenty-five."

The Oracle

Answered, "That there was no business concerning the Archduke Joseph, the emperor's son, but of the Prince of Wales, son of King James, to know if he were legitimate or not."

The priests introduced

Madam La Dauphine,

Who appeared with much respect and veneration; having made many sacrifices to Apollo of Claros, she spoke thus to the

Divinity.

"Praised be God that he hath given me children, even more than I desired. I complain of the misfortune of some poor queens, who do whatever is possible to have some, and yet can have none, but are at length forced to suppositе them, and to make them pass for their own; however it be, since I am in this holy place, for to say what I think, the greatest proofs I can offer are the great public rejoicings, and the *Te Deum Laudamus* sung in all churches of France."

The Oracle,

Seeing that madam the Dauphine spoke with a great freedom and naturalness, ordered the priestess to accompany her, and made her a present of some reliques.

The priestess re-entered immediately, followed by the young

Queen of Portugal,

Who, after having performed the usual ceremonies, spoke in this manner to the

Divinity.

"The Elector Palatine hath married me to Don Pedro, upon condition that I bring him legitimate children, and by consequence a lawful successor, and not an infant supposed: The truth is, he had a mind to such a little house as ours is, in comparison to the house of Modena, of which the world hath spoken variously: but since I am

here to speak my thoughts concerning the Prince of Wales, I will prove it to be a legitimate child, because it came into the world by the prayers made to our Lady of Loretto."

The Queen of Spain.

Hearing them speak of children, made haste to come in, and prayed the priestess to introduce her quickly, adding, that she had somewhat of consequence to say: Being entered, she began thus to the

Oracle.

"All the queens of Europe have children except me, notwithstanding I am young and handsome: Why cannot I have one as well as the Queen of England?"

The Oracle

Answered her, "That he did not concern himself with the getting of children, nor examined the causes of barrenness or fertility, but only to know if the child of the Queen of England was legitimate or not."

The Queen of Spain

Replied, "That she knew nothing, but that it was reported legitimate."

The priestess conducted the

Three Sisters of Father Peters.

At the rise of the river, and after having made them drink of two sorts of water, viz. that of Lethe, which blots out of the soul all profane thoughts, and that of Ninemosine, which hath the virtue to make one remember whatever is seen in the Holy Cavern,

The Oracle

Asked them, and said to them, "That they ought to declare all that they knew concerning the Prince of Wales, how he came into the world, who was his father, and who his mother; that there had been already taken the depositions of many princes and princesses; but that the Oracle was not yet satisfied; that there remained some obscurity in all that was said; that in the mean time they should be shut up in a grote, until they did reveal this mystery."

After appeared,

A Troop of Priests and Prophets, of Poets, of Interpreters, of Prelates and Sacrificers.

The pretress came before them, and told them then, "That they were informed that the Epicureans were banished from that holy place, and those that were in the fields had order to pass no farther."

The temple of the Oracle being near to Parnassus, one might see the muses composing, by the sweet harmony of their instruments and voices, a choir, in which was sung the triumph of the Prince of Wales.

After this one might see the young prince carried into the temple by four-score jesuits (as yet afore Jupiter Hammon was by eighty priests) in a kind of gondolo of gold, from whence hung knobs of silver, followed by a great number of monks of all orders, singing with a loud voice holy hymns to his glory: As soon as the little prince was within the temple, all the priests and priestesses of Apollo encompassed him, and having examined and considered the features of his face, said aloud (contrary to the custom of our modern gossips,) "That he was not at all like his father." The

Divinity

Ordered, That such should be introduced as had not yet appeared. The pretress came before

Mr Skelton, Ambassador of his Britannic Majesty to the King of France,
And being brought to the entry of the Holy Cave, thus spoke:—
"I prove the Prince of Wales to be legitimate, because the king his father had wrote to me to spare no charge in making fire-works and splendid feastings."

The Author of the Triumph of Liberty
Being come up, answered to Mr Skelton, That if his excellency had no other proof to give, he ought to expect to see himself very speedily censured and condemned; and that having already proved in his book that King James II. had not been lawfully called to the crown of England, but that he had usurped it, since the laws of the land have excluded all Roman catholic princes, he had resolved to prove to him presently that the Prince of Wales was never of royal blood: That this is a supposititon, believing the society contrived it to deceive fools.

The Oracle
Ordered, That they should cause to come in

The Author of Parliamentum Pacificum,
To see what he had to answer thereto.
The pretress conducted him to the cavern, and made the author of the Triumph of Liberty retire some paces back, for fear lest a noise should arise between these two different spirits. The author of *Parliamentum Pacificum* said thus to the

Divinity.
"I cannot forbear the admiring the Divine Wisdom for giving a child to his majesty in his old years, and at a time when we were near seeing a second Queen Elizabeth to reign; and the greatest proof that I have that this young infant is legitimate, is the ill opinion his majesty hath of all the heretics." The

Oracle
Answered him, That he had not in the least satisfied the question which the author of the Triumph had proposed, viz. That his majesty had usurped the crown of England; he ought to prove the contrary afore he came to the supposititon. The

Earl of Avaux, Ambassador of France,
Took his time, and the pretress having received some louis, which he presented her with, he was immediately introduced, and brought the affair into a few words. The

Oracle
Asked him then, How that he pretended to prove the Prince of Wales to be legitimate? His excellency said,
The greatest proof he had was a magnificent treat the Monsieur Albeville[1] gave in the Prince Maurice his palace, to all the ministers of foreign courts, where we were near three hundred persons that he invited.
After Mr D'Avaux,

Mr St Disdier
Advanced, and as he knew the history to the bottom, and is knowing in all things, he said to the

Divinity,
That it was not difficult to prove that the Queen of England had really been with

[1] The ambassador of James at the Hague.

child, if one considers that the queen-mother lay in with Louis the XIVth after she had been barren twenty-two years, which is the reason they call the king *Given of God*; and at this day the Prince of Wales hath the same name, because he certainly came into the world by the gift of Heaven.

Mr Moreau, Envoy Extraordinary from Poland,

Entered without ceremony, and dispatched his business with a laughing air. The relish of a glass of certain delicate wine he drank at the palace of Prince Maurice made him not want matter or words in speaking to the

Divinity.

"For my part I shall prove the Prince of Wales is not supposititious, because Mr Albeville rose from the table several times to fill us out to drink of a most excellent wine, as he did it with so graceful a mien that I have reason to say he hath not forgot his first employment [a butler or footman.]"

Mr Albeville's Steward

Slipped into the cavern without taking notice of the pretress, and spoke thus to the

Divinity.

"I am about to abjure my religion, to oblige my master the ambassador."

The Pretress

Bid him hold his tongue, for here was nothing to do about religion, but only to know how the Prince of Wales was born.

The Steward

Answered, "That he had resolved to tell all that he knew, but that he was only concerned in performing the commission he had from the ambassador the day of the fire-works, which was to search out some English, (or other unknown persons,) to borrow for them white perriwigs, a genteel dress, fine linen, cravats, and cuffs of French point; and to procure them footmen to follow, as if they had been my lords, or other of considerable quality, that I had orders to seat them at the table to make a figure, and fill seven or eight places, because that some of the states had no mind to come."

The Pretress

(Perceiving that this discourse displeased Monsieur Albeville, who was present, who was concerned to do things honourably on such occasions; besides that what the steward said did more make known what was done on the day of rejoicing for the young prince, than to prove that he was of the blood-royal) made him retire.

As soon as the steward had done, the pretress introduced Monsieur d'Albeville.

The Divinity

Told him, "That all the world was surprised to see what passed at this day, and that it was a thing that all people spoke of, that one would make a supposited child for a legitimate."

Monsieur Albeville

Cried out in the discourse, calling Heaven and earth to witness, saying, "That it was a pure scandal that he had caused from the day that he had notice of the birth of the young prince to make fire-works, which had surprised the seven provinces with their beauty and magnificence, where was to be seen the young prince upon a globe, in the

midst of a triumphal arch, where these words were written, which contain the year of his birth:—

aVgVsta eX IaCobo Magno proLes DIV VIVat.
M.DC.LXXXVIII.

Which is,
That the son of Great James live long.

Upon this triumphal arch you might see St George, who represented the king, trampling under his feet the dragon of rebellion, and abolishing the test and penal laws: There one might see the good conscience of the jesuits, represented by the woman that was near the dragon, firm and unmoved, notwithstanding the rigours of the penal laws. There was to be seen two guardian angels near the person of the prince, to deliver him from the ambuscades of the quakers, conformists, and nonconformists, from the presbyterians, the Arminian bishops, the Calvinists, Lutherans, anabaptists, and other sects. There the dragon was to be seen, devoured by its own proper flames, while the crown and all other figures were entire, which was a prognostic that his majesty should bring about his great designs: After this, ought the heretic to maintain that the young prince is not legitimate, and that all this hath been done for a supposited child?

The Secretary of Monsieur D'Albeville

Came forwards with all speed, and softly put his excellency in mind to add something of a number of incomparable flying squibs, fire-pots, rackets, wheels, &c. which filled the air full of stars and serpents, which proved that the prince was legitimate, because they produced the effect that was designed.

The Oracle

Ordered the jesuits to enter, together with the priests that framed these fire-works. He that composed the inscription came first, saying,

Non si commencia bene se non dal cielo.

I have myself composed,

Veritas et justitia fulcimentum throni patris, et erunt mei:

As virtue and justice are the support of my father's throne, so also shall they be of mine. I have moreover composed this fine device,

Religio et libertas amplexatæ sunt:

Liberty and religion are united. Adding, That this was convincing, and that he had not composed this for an infant supposited.

The Almoner of the Ambassador of France

Came in his turn, and said, That he himself had composed a short prayer, which begun *Ad Deum optimum maximum pro rege, principe, et Gente Britannico precatio brevis:* To the great God, for the king, prince, and British nation, a short prayer. After this, one ought not to question that the Prince of Wales was not legitimate.

A Jesuit of the Spanish Ambassador,

Pressed hard, and being come in, said, "That he had distributed a general alms that morning, and given to the poor several shillings, and a pint of wine to every one to drink the health of the young prince, that all this might serve to prove and disabuse the vulgar incredulity.

All the Domestics of Monsieur Albeville

Came in their turn, and said, That they had laboured more than fifteen days to put things in order, and prepare a most sumptuous feast; adding, that there could not remain any doubt of the young prince's legitimacy, since the ambassador had been at so great expence.

All the musicians came also, and said, That they had sung that day a very fine *Te Deum*, with excellent music, and an incomparable symphony, composed by Monsieur Hacquart, and that this alone was fully convincing.

The players on the violins came also, and said, That they were carried in a boat during the time of the feast, and that they had played the Follies of Spain, the Descent of Mars, and many other fine pieces proper to the occasion, for to divert the ambassadors who were in the palace of Prince Maurice; and that all this could not be done for a supposited child.

Those that had discharged the cannon which came from England on purpose for this day, came and said, it was not reasonable to suppose so much noise made for nothing.

Those that had pierced several tuns of wine came also and said, That the street was overflowed by six fountains of excellent wine, part claret, and part white wine of France and Spain; and one ought not to believe that this was made for an illegitimate child.

An unknown Poet

Desired the pretress to permit him to enter into the Holy Cavern, to repeat some verses which he had composed for the glory of the young prince, on the day of his triumph: He being come in, said

Some Protestant Lords

Sliding in the crowd, desired the Divinity to give them audience; one of them said, "That this young prince had let fall his sceptre while he was upon the globe, and that this was an ill presage. Another said, That they had given the Hydra but six heads, because it was said they would not represent by it the seven provinces. Another said, That St George was devoured by the monster instead of the monster being devoured by St George, and that all this proves manifestly that the child was supposited."

The Oracle

Ordered the pretress to introduce

Monsieur the Prince, Madam la Princess d'O——, and Messieurs Le Estats,

To see what they had to answer to so many witnesses, who had maintained the king's side.

The pretress went out of the Holy Cavern, and was humbly desired that she would dispense with them for a great many reasons, which was granted them.

The pretress had order to call

Dr Burnet,

Who being entered, said to the

Divinity,

Who desired her, That she would dispense with him from speaking of the affairs of England, for fear of saying too much: The

Divinity

Ordered him to tell his thoughts of the queen's lying-in, and of the birth of the Prince of Wales.

Dr Burnet

Answered, " That supposing the Prince of Wales was legitimate, and that the queen was truly his mother, as they would maintain, it is to be presumed, that it was extremely the interest of the king, at a time when his people did with difficulty obey him, to contrive that the queen's lying-in should be made according to the forms, by calling thither all the peers of the realm, as was always practised in the court of England; because it is known, that the people are naturally very difficult to persuade, they scarce believing the things they see."

Author of the Book, whose Title is, The Mischiefs that threaten the Protestants of England,

Seeing that every one endeavoured to speak, desired the pretress to permit him to recite a history of Puffendorf, which proves, marvellous well, that it is easy to supposit a young prince, since we have in histories many examples of it. The

Oracle

Ordered him to recite the said history.

Puffendorf, a celebrated historian, speaking of the kings of Spain, saith, " After John II. his son Henry the IVth, the disgrace and infamy of that crown, succeeded to the kingdom of Castile; for since he was esteemed impotent, to remove that conceit from the people, he made one Bertrand Curva lie with the queen, and for a recompence of that service he made him Earl of Desina. This adultery produced a daughter, named Jane, which Henry proclaimed successor to the crown. This action is the more likely to be true, because this queen had some time after a bastard by another: But in fine, to discover this cheat, and to exclude Jane from succeeding, they united together, and carried things so high, that they exposed upon a theatre the figure of Henry dressed in all his royal ornaments; and after having made a process against him, and brought an accusation against him, they stripped him of all his cloaths, and threw him from top to bottom. After, they proclaimed Alphonsus king, brother of Henry. But this farce caused terrible shocks, and furious agitations in the kingdom, which came to bloody battles. At last Alphonsus died during these troubles, in the year 1468."

The Divinity

Ordered the three sisters of Father Peters to be brought out of the grote they were shut in.

The pretress conducted them into the Holy Cavern, being veiled.

The Oracle

Told, " That it was no longer time to dissemble; that wanting nothing but their depositions, they ought seriously to reflect, and to speak to him the plain truth, that all the world did with impatience expect the revealing this mystery."

She that staid in London said, " That she had seen one Peters, her brother, go often into three different houses where there lived big-bellied women, viz. a baker's house, a sword-cutler's, and a miller's; that she had followed him, step by step, several times, and she had observed that he stopped oftenest at the miller's, and that she had observed that this woman had been brought to bed without any body knowing what became of the child."

Apollo,

Seeing that the question had been long enough debated, made all the powers be informed that he was about to pronounce the divine oracle.

After the Divine Cavern was shut of a sudden, and the pretress had ordered that

they ought to wash themselves in the river Hercinas; after which, to make a sacrifice to Trophonius and all the family to Apollo, to Jupiter, to Saturn, to Ceres, Europa, nurse to Trophonius, and not to eat during three days of the sacrificing, but of the flesh sacrificed; and then appeared the last time, the

Divinity

Accompanied with her pretress, and there was heard throughout the cavern many voices, saying, "The child supposited, the monk reigning."

The Commissioners of the High Court of Justice

Established by the parliament to try Charles Stuart, came in a body from the other world, causing a sword of justice and the mace to be carried before them.

The President Bradshaw

Being placed in a chair of crimson velvet, thus spoke to the

Divinity.

"We have made an unjust process against C. Stuart. When shall we form a just one against James II. his son?"

The Oracle.

"When the patience of the good English shall be weary of suffering a false prince of Wales to be put upon them."

Cromwell, one of the Members of the High Court,

Advanced for a moment out of the crowd, and said, "Jesu my God! what is it they say of James II.? all the world cries out, and complains against him."

Oracle

Answers him, "That King James II. is a good jesuit, and pretends to die a martyr of that society."

Duke of Monmouth.

Before he presented himself to the Divinity, the pretress made him kiss the statue of Apollo of Claros, and made him at the same time drink a glass of water, called Lethe, to make him forget his shameful death, and said,

"I made too much haste to death, and I have lost by it. O would to God I were now living! What a fair occasion should I have to secure the liberties of the English nation."

The Oracle.

"It is long since you have been predestinated by the society to go reign in another world."

The Q. Dowager to the Oracle.

"Since the death of the king my husband, I have had no satisfaction at court, where nothing rules but jesuitism; and as the society is full of fury and rage when it attacks heresy, I have resolved to go into Portugal to avoid the storm that is rising: They have so moved the people, that one is obliged to suffer the supposititiousness of the Prince of Wales."

The Oracle.

"The lightnings have flashed, and the thunder grumbled: If you love peace and repose, stay not until the bolts fall."

The Emperor.

The same pretresses that yet afore conducted Alexander and Vespasian into the

sanctuary of Hammon came to introduce the Emperor Leopold, and having made him a present of a crown of laurels, conducted him into the Holy Cavern, and said to the

Divinity,

"I have already filled the universe with the news of my victories, extended the frontiers of my empire even to Belgrade; planted Christianity in all the mosques of Mahomet; delivered the electors of my empire from the Ottoman fury; snatched off the crescent, and planted the standard of the Roman eagle on all the towers of Hungary; made Rome to triumph, and the cross of Jesus Christ in the midst of the terrors of war; my generals being tired with so many labours, solicit me to make peace. What ought I to do?"

The Oracle.

"Leopold, Leopold, if thou wilt believe me, hearken no more to Loyola, make peace with the Crescent (Turks,) and war against the Sun (France.")

Archduke Joseph, King of Hungary,

Having heard of the surrender of that important place of Alba Regalis, came on, and said to the

Divinity,

"The emperor my father hath gained on one side, and lost on the other. France hath promised not to break the truce, and notwithstanding he every day advanceth on the Rhine, on the other side, the jesuits promise him the universal monarchy, if he continues the war. I beg you to discover the mystery."

The Oracle.

"The Jesuits are traitors to the empire, banish them the court." The

Empress,

After she had ended her short devotions at St Stephen's, where *Te Deum* was sung for the prosperity of the imperial arms, she came and said to the

Oracle,

"The House of Austria hath triumphed over its greatest enemies, and if the emperor my husband would believe me, we should spill no more Ottoman blood."

The Oracle.

"When the emperor shall have shed as much French as he hath of the Ottoman blood, he shall secure his conquests, and have no more to fear."

The Grand Seignior, Emperor of the Turks,

Seeing afar off the prophetic temple, he approached the Holy Cavern; the entrance of which was covered with leaves of laurel, which bespake the success of the Christian arms, and making several sighs, said to the

Divinity,

"*La illa alha* Mahomet *rasoul alha.*

"The great God, and our great prophet Mahomet, my brother Sultan is dethroned, to raise me upon his throne, and in despite of the rage of my janizaries, and of his party, I have extinguished the fire that burned in the heart of my empire: Being unskilful in the art of war, I propose a peace to the Christian emperor, and I yield him all his conquests, adding thereto even Belgrade, fearing that my bashaw should betray me; and that the uncircumcised army do not advance to Constantinople, I have ordered my

treasury to be carried into Asia, day and night my priests go to the holy temple of Sophia, where the Alcoran is kept, and I send my dervises to Mecca and Medina to pray our great prophet to have pity on the true mussulmen, and to desire the state of Venice to make peace." The ORACLE

Notredame Cent. 3. Quat. 11.

The King of S——n, Charles the Second,

Afore he descended into the Divine Cavern, he was ordered to spend a certain number of days in a little chapel, which is named Good Fortune, or Good Genius; after which being introduced, he said to the

Oracle,

"All other princes reap laurels in the art of war, and extend the frontiers of their kingdoms; they become the terror of their subjects, and do a thousand exploits to eternalize their names: For my part I am always the same, and instead of becoming great, I diminish, I sow in ungrateful and barren earth, which produceth nothing but brambles. The queen my wife gives me no heir, notwithstanding the pains I take to get her with child. Oh! how happy is King J. the Second, my cousin, to have a son. Oh! that the queen my wife had been heard by the Lady of Loretto. I desire you to tell me what can make my wife to have children?"

Oracle.

"You must have at hand a good father, such as Father Peters."

King of P——d,

Having received orders from the pretress to make a confession of all the secrets of his life, approached, and said to the

Divinity;

"I repent to have made so much noise of my victories gotten over the infidels, and to have called the emperor and the princes of the empire ungrateful. I repent me of having amused the Czar of Muscovy, my allies, in promising them a great many things I have not performed; I repent myself also for having had more concern for love of France than for Poland; I repent myself for having suffered the emperor to take Hungary, since I might have partaken with him of the plunder of the common enemy; I repent my not taking Caminieck the last campaign, when its doors were opened to me, if France had not whispered in my ear, Stay, stay. I only ask the crown of Poland for my son."

The Oracle.

"The King of France is a fox, and if you follow his counsels you will live in the hatred of your people, and your son shall never be king."

The Grand Vizier,

After having saluted the oracle of Trophonius, and drank a glass of the water of Herdinas, descended into the Holy Cavern, and said,

"*La illa alha* Mahomet *rasoul alha.*

"The new sultan, my master, would honour me with the charge of grand vizier, I beseech you inform me what shall be my fate."

The Oracle.

"Take care of yourself, for the neck of a grand vizier draws to it the bow-string as naturally as amber doth a straw."

The King of D———k to the Oracle.

" I am the spy of the northern crowns, and when any thing remarkable happens amongst my neighbours, I inform the King of France of it, and the King of England; they promise me, so long as we continue friends, we shall keep the balance equal between the emperor and the other princes of Europe. I answer that I am content so far, but I doubt France will always play the same play."

The Oracle.

" The King of France is often guilty of deceits, take care of yourself."

The Elector of S———y,

Making his prayers, passed by Holland, and after having saluted the Prince of Orange, entered into the temple, and said to the

Divinity,

" I love the French wine, but not the French; but I like better the Rhenish wine; and I am of opinion that I ought to drink no other, although the King of France cries day and night in my ears, my Lewisses and my good Champaign wine. I beseech you tell me what side I shall take."

The Oracle.

" The emperor's side, and that of Holland."

After all ceremonies were ended, and the lot was going to be cast with much respect and veneration,

The Cardinal of Furstenberg

Being entered into the Holy Cavern in haste, overturned the lots and urns. The pretress being disturbed, ordered him to speak, and he said to the

Oracle,

" Was there ever a pope seen so wilful and stubborn as ours now is? To have a red cap I have endeavoured above five years without interruption, and do so at this day to become elector, and what way have I not tried? And I am not nearer it now than I was the first year; if the king my patron would have believed me, he should have abandoned the affair of the franchises at the beginning, without making so much noise about it, since the advantage of being master of the Rhine, and by that to intercept the communication of the empire with Flanders, and so in few years promise himself the conquest of Holland; it had been better to have made an exchange of a bull, with his right of the franchises, which is only ——, without endeavouring to vex the holy father in his old age."

The Oracle.

" For to have a bull, and to make the holy father agree with his eldest son, it is necessary that Marshal d'Estree quit the barbarous Algiers, to come and bombard the holy see at Rome."

Dr Molinos, the Cardinal Petrucci, the Cardinal Cicero Don Livio Duc de Ciceri, Nephew of the Pope, and other Quietists.

Dr Molinos, stepping forwards, said to the

Oracle,

" Praised be God, the holy father hath made us accounted heretics, and he is one

himself, if it is true that he is a quietist, as it is reported; the inquisition having examined him, were about shutting him up in the Minerva, if the Cardinal d'Estree (who betrayed me as Judas did our Saviour,) had not prevailed with him that he ought to dissemble, which saved him. I beseech you to inform me how long this intrigue shall last."

The Oracle.

" In our age the power of the holy see is a tyranny, which sacrifices all to its interests."

Madame of Montespan.

After much ceremony she whispered the god in the ear, and asked him what she would; at last she stopped her ears with her hands, and went out, coming in again, and said to the

Oracle,

" I have endured a great many difficulties since my affairs went backwards at court, the good man loves me no more, and the old hag Maintenon hath done me the good office; she hath so buzzed the ears of the king with the merit of Monsieur Scarron, that it hath made him have a mind to turn poet. For my part, not knowing to what saint to pay my vows, after having lost the great Lewis, I am resolved to imitate La Valliere."

The Oracle.

" To learn to string Paternosters is a poor life for Montespan."

Madam of Maintenon

Took the way of the temple, accompanied by Father la Chaise, who entertained her with the new converts of France, and the hopes he had to see England in the same state, by the care the society took to provide a successor to the crown; Maintenon being come near, said to the

Divinity,

" That Father la Chaise had informed her that his penitent, by many repeated confessions, had owned that he always had a passion for the fair sex; that neither age, nor the severities of penance could ever reclaim him; we have a mind to marry together, to the end that we may lead a good life, and that there be no more discourse in the royal family of a divorce. I beseech you tell me, if I, being sixty years old, may yet be able to bring forth a brother to the dauphin; his majesty saith he will keep only to me."

The Oracle.

" The fathers of Loyola have excellent secrets; you being a daughter of the society, I would have Father Peters inform you how the Prince of Wales came into the world."

The Mareschal of Estres, Vice-Admiral of France to the Oracle.

" I have two great designs to execute; the first obligeth me to destroy Algiers, and totally to burn that barbarous people out of their nests, and on the ashes of this rebellious place I ought to erect a statue to his majesty, like to that which the Duke of Tuillade hath put up in the place of victory, to the end that the name of Great Lewis may become the terror of all Africa, as it is of all Europe, and that the report of his great victories may be conveyed by the waters of the Mediterranean to the ocean, and by the ocean to the four extremities of the world. And in the second place I have orders to go as soon as I can to the coast of England to make that rebellious nation tremble at the will of King James, and to oblige the House of Lords and Commons to revoke the test and penal laws."

The Oracle.

"These barbarians are turbulent, and resolved to fight well, and the English expect only a contrary wind to prove to King J. and to Peters his almoner, that the Prince of W. is supposited."

The Swisses to the Oracle.

"The King of France, our uncle, is at length tired with engaging us to the Germans in wars; and we have managed the affair so well that he hath left poor Geneva in peace. He is contented to see if we are afraid, but seeing the Swisses have always a good stomach, and drink well, his counsel of conscience have not judged it proper to bleed them, so that he is retired from us without bidding us farewell. We beseech you to inform us if he will ever return again."

The Oracle.

"The king your uncle often makes such braggings."

Geneva to the Oracle.

"The King of France hath at last granted us a truce for some months, because his affairs press him a little too hard on the Rhine; his pretensions on the Palatinate, his franchises at Rome, the stubbornness of the Holy Father, the election of Furstenberg, have so employed him during the spring, that he hath desired us, by his resident, to excuse him if he defers the business to a fitter opportunity; besides that the new converts cut him out so much work, that he knows not which way to turn him. In the mean time Father la Chaise makes him believe that before he dies he shall enter with his coach and horses into the greatest church of Geneva, adding, that he ought to keep fair, and expect until his brother King J. hath equipped his fleet."

The Oracle.

"Watch and pray, for you know not the hour when the thief will come."

The Algerines to the Oracle.

"The King of France is a terrible champion; after having purged the heretics out of his kingdom, he imagines to purge the sea of pirates, and to make the coasts of Barbary a desert. This is a great design, and worthy of a great monarch; but the Algerines have already passed so many times through the fire of their bombs and carcasses, that they are become half-devils, that hell-fire cannot burn them. If our houses were built so as his Versailles is, it had been long since reduced to ashes, and the palace of M'ezemorto had been nothing but a tomb; but they are built of a certain cement which the fire cannot hurt; and the three thousand bombs which the Marshal of Estres discharged against us have done no more harm than bullets shot into the air. Barbarian against barbarian; he that is the most barbarous shall conquer. All the French that are in our power shall be put in the mouth of a cannon; we have shot them the consul already, expecting to send them their king, if ever he fall into our hands."

The Oracle.

"You ought to keep him prisoner."

All the Electors of the Empire.

"We are encompassed with the claws of the eagle and the paws of the fox. The great Leopold on one side engrosses villages, provinces, and kingdoms: the great Lewis on the other side ravages amongst us, sometimes as a lion, and sometimes as a fox, making his bombs thunder amongst us; making a thousand fair promises; to one, to oblige him

to sell his best places to them for their liberty; to others, for to truck, exchange, or engage their sovereignty. The great Leopold seeing all these contrivances, adviseth us, under hand, to have a care of such delusive promises. The great Lewis, on his side, whispers us by his spies, "Take care of yourselves, Leopold becomes too powerful for you; you will shortly become slaves of the house of Austria." We beseech thee tell us which is our true interest."

The Oracle.

"Your true interest is to join with the emperor and the empire, and to be of opinion always, that the fox will do his endeavour to catch the eagle and her eagless."

The Archbishop of Paris to the Oracle.

"I have hitherto done all the good and all the ill I could unto the Hugonots, in order to get a cardinal's cap, and I have only a mitre. The Bishop of Camus, that is reputed a heretic, and is really so in his heart as well as the Cardinal of Furstenberg, who is a very libertine given up to his pleasures, hath got a cap with ease; and I who daily sing vespers, and assist at the holy offices with the piety and zeal of a greatest prelate, is it possible that I should have nothing to cover my ears in my old age?"

The Oracle.

"It is true indeed you are a great mimic, but the Holy Father doth not reward grimaces."

All the Canons of the Chapter of Cologne

Came in a body, and, after having drank a glass of the water of the river Hircinas, and made a sacrifice to the god Trophonius, they entered into the Holy Cavern, and said to the

Oracle.

"The Cardinal of Furstenberg is not worthy to bear the electoral bonnet, since the Holy Father is not willing he should; if we had the power neither should the Prince of Bavaria, for we have received nothing from him. As to Furstenberg we very much fear."

The Oracle.

"For fear lest they strangle you, for the sure charge is great, *Qualitas bona, quantitas mala, aiunt medici*, The physicians say the quality is good, but the quantity is ill."

All the Monks of France

Were carried by the pretress into the chapel of good Genius, and being first laid on the earth, they entered the Holy Cavern: After which the

Divinity

Ordered them to sing some *exaudions* in music with a loud voice.

Omnes sancti in cælis, exaudions, et orate pro nobis, (All the holy in Heaven hear us, and pray for us,) when the choir began to repeat the *Ora pro nobis*, the pretress ordered the most ancient and

Venerablest

To speak, and they said to the

Oracle,

"At this time we are the most powerful part of the government under the protection of a great king. We live in peace, ease, fatted with the blood of the people; we fear neither war nor peace, and heaping up riches we become so powerful, that we give laws to the princes of the earth, and it is by us that kings reign; we have secret ways to insinuate ourselves, and every one of us endeavours to play his part; we make rich and poor when we please; we affect to be counted men of estates, and to be wicked when

we have a mind, and under the cheating mask of virtue and vice we seduce the people; hypocrisy is the highest degree of perfection, and the wisest, most pious, and honestest amongst us is a great hypocrite; we have not made virtue consist in a severe exercise of good thoughts, as the ancient philosophers did, who, not having the true way of enjoying this world, have lived in the middle, between good and evil, without coming to extremes: In short, we have so well sung for six or seven months that the Queen of England hath at length had a son."

The Divinity.

"Supposited."

Count Teckely

Came out of his den, imitating the savage beasts, who suffer themselves to be seen when the hunters and dogs are retired out of the field.

The Pretress,

Surprised to see him yet alive, made many acclamations of joy, crying *Helas, Helas,* and immediately presented him with a glass of the water of the river Hercinas for ———, and made him, sit a moment to rest himself; after which he was conducted into the Holy Cave, and spake thus to the

Divinity.

"You see here the most wretched and unfortunate prince that ever was, notwithstanding I am still living by the powerful arm of the great God, who hath always preserved me from the hatred of the emperor my capital enemy; against the King of France, who hath betrayed me; against the cursed race of the jesuits, who have tried a thousand ways to sacrifice me to their rage; against the Grand Seignior, who cares for me no more than I am serviceable to him; and in fine, against a thousand and a thousand enemies who are contriving my death. You see me a fugitive, and robbed of a crown, which the Archduke Joseph wears for the love of me; yet, notwithstanding, I have not lost my courage, and such as you see me, I give a great deal of trouble to my enemies."

The Oracle.

"As long as thou livest thou shalt be between the two rocks, always in danger —— the fathers of Loyola have surrounded thee like so many hungry wolves seeking to devour thee."

Monsieur le Cardinal de Camus

Being conducted to the Holy Cavern, one of the pretresses gave him her hand to help him to go down, lest he should fall: Being come near, he made a narration of his history in an eloquent manner, and said to the

Oracle,

"You see here a fisherman, like other men. Pardon, I beseech you, the term which seems to be contrary to the custom, since I have all reason imaginable to praise myself, if I have any regard to that great and august dignity the purple hath raised me to. God be praised, I take a glory to be humble, as much as my proper nature will permit me. You have been informed, without doubt, that it is my zeal, and that I endeavour to acquit myself of the duty to which the charge of pastor engageth me, by the pains I take to gather together the poor sheep strayed about the holy mother-church. You know that I blame extremely the ways of rigour and tyranny which is exercised, and that on the consciences of persons whose greatest guilt is, that they pray to God in the purity of their heart: That I have preached, and still do so; that this harsh way is wholly opposite to the Christian religion; that I endeavour to prove it by

all the fathers of the church, who never had any other way than by sweetness and humanity: In short, I have said it, allowed in the chair, and shall eternally say it of the reverend fathers of the society who vomit out every day their gall and rage against me. I leave them to their opinions, and I have acted at present with so much boldness, that the Holy Father begins to approve of my conduct, and his majesty on the other side orders that I be taken for a model and example; in short, you may see what I do, and what I have done hitherto; but one thing goes extremely to my heart, and, if I did dare to tell you, it is that I am of the opinion of those poor people whom they persecute so much. As to what remains to be said, it is delicate; and I beseech you, that it may be permitted that I may be suspected such, but that the truth be never known."

Oracle.

"Jansenist, take care of yourself."

The Duke of Bavaria.

The pretress having conducted him into the cavern, made him drink a glass of water of the river Hercinas, and bid him shut his eyes and speak to the

Divinity.

"Since my marriage with the daughter of the empire, I have always got victories and gathered laurels, and the Ottoman war hath been my apprenticeship. I have abandoned the interest of France, in quitting a considerable pension which she gave me, because it blotted my glory; I have married my sister to the Dauphin of France, he hath cost me nothing, and what I have lost on one side I have gained on the other. I have failed in being governor of the Spanish Low Countries, by a grant which the King of Spain would have made me; but it gave a jealousy to France, and this affair is put off to another time. I have refused the alliance of a bastard that was offered me, because it did not consist with my honour; besides, it would have made me a slave to a crown that doth nothing but for interest. At this time they court me more than ever; the emperor, my father-in-law, promiseth me that there shall be no more jealousy between me and Lorrain, and that I shall have the sole command of all his arms. The King of France promiseth me that I shall share with him in Spain, in Flanders, in Milan, in Peru, and Mexico, and in all the goods of his brother-in-law after his death; what side ought I to take?"

The Oracle.

"The empire's side, in preferring thy own glory to that of the emperor, and all the electors, to the castles in Spain, and to the deceitful promises of France."

The Pretress,

Seeing coming the

Partizans of France,

Came before them by the chapel of Good Fortune before they entered into the Holy Cavern.

The Pretress

Ordered the most antient to sit in the chair of Mnemosine, and to make a long discourse; having shut his eyes and opened his mouth, he spoke thus to the

Divinity.

"We are a race cursed by God, bloody to the poor people, disturbers of the public quiet, and preservers of the royal authority, without us the kings would be sovereigns without power, of power without arms, of riches without silver; we grow fat in the

midst of plenty and poverty, and we have the secret to find money where there is none. In short, great Divinity, St Louis, yet afore, was only a poor saint of wood, and we have made him at this day a saint of gold, and when you shall see the ambassadors of the King of Siam, and of the King of China, wise men come from the east, and powerful kings send their ambassadors from another world, let not this surprize you: You ought to know that all the powers of the earth are obliged to give him marks of their submission, (because this serves for his glory.) In the mean time he seems to have forgot from whence he came, that he hath forgot his good friends; he is become so fierce of late years in relation to us, that we dare no more look upon him. And above all, since the reverend fathers of the society have put him in the head to chase away the Hugonots, without considering that this doth us wrong; farther, he hath taken care to purge us from time to time with good taxes, for fear, lest we growing too rich, we should be able to make war with him; but the revenue begins to diminish, and lessens every day more and more, by the great number of refugees who have quitted and daily do quit the kingdom; who being the fat and strength of the nation, and rich, and the best paymasters that we had, what shall we do now for money?"

The Oracle.

"Establish real to ruin the nobility."[1]

The Reverend Father Tachart, Jesuit, and Ambassador of the King of Siam to the Court of France,

Was no sooner arrived at the sanctuary of Hammon, but all the pretresses of the Divinity went out to see his dress; there was one who would have him dance; the reverend father having lifted up his triangular bonnet, saluted him with a kiss, praying him to excuse him, and to introduce him into the Holy Cavern; the twelve mandarins that accompanied them were ordered to stay in the chapel of Good Genius; the reverend Father Tachart being come near, said to the

Oracle,

"I am the ambassador of a great king, and I come from the other world to make an alliance between Mahomet and the Christians. The society have chosen me an apostle, who ought to plant the gospel in the kingdom of Siam. I have persuaded the King of Siam to send his son to the court of France, for to learn the art there of converting heretics, to the end that we may suddenly go to hunt the new converts through all the Indies; I have already introduced into the chief commands of the kingdom the principal members of our society, and the King of Siam himself is a zealous catholic, who hath been a zealous idolater."

The Oracle.

"It much concerns the society for the execution of their great designs, to transport to the Indies a naval army of French dragoons."

Monsieur Le Marquis de Louvois, and Monsieur de Vauban, Engineer-General of France,

Having a mind to visit the frontier places, to see if all be in a good condition on this side of the Rhine, in case the emperor and his allies should openly oppose the election of the Cardinal of Furstenberg;

The Pretress,

Seeing them appear,

[1] *Sic in Orig.*

Monsieur the Marquis of Louvois

Came on first, and was conducted without loss of time into the chapel of Good Genius, where he saluted the Apollo of Claros in passing, and from thence he came into the Holy Cavern, and spoke thus to the

Oracle.

"His majesty is for war, and I for peace; he is resolved to make his troops enter Cologne, and make Furstenberg elector, in despite of the pope and the empire, and for my part I am of a contrary opinion; I represent to him the pitiful condition that France is in at this time, its coffers are empty, its trade ruined, the new converts ready to put off the mask at the first signal. I represent to him all the electors of the empire, and Holland expecting war with impatience, prudence is my counsel, and as long as we fish in troubled waters I shall be always for peace, fearing to lose in one campaign what we have gained in six."

The Oracle.

"So long as the Ottoman war shall last, the deceitful promises shall do more than powerful enemies."

Monsieur de Vauban,

Who was busy in considering the avenue to the Holy Cave, and had already drawn on his tablets all that he saw curious in the chapel of Good Genius, he was ordered by the pretress to meddle no more with his tablets, but to speak his business, and to retire as fast as he could; having shut his eyes and opened his mouth, he spoke to the

Oracle.

"We have no rest day nor night, and we are in a perpetual motion, as the water of a river that runs without ceasing; and we run from province to province, from place to place, and from frontier to frontier; they may call us fools. The glory of our great monarch, to which we sacrifice all our pains and travels, is at present a great idol we adore, which will erect to us eternal monuments which all ages will admire; all the monks of France, chiefly the jesuits, say that the king is immortal, and that the empire, as well as all the other potentates of Europe, will be obliged to submit to his yoke, and to rank themselves under his obedience; we beseech thee inform us what will be the destiny of the great Lewis."

The Oracle.

"The great Lewis hath enemies without number, who expect only the reverse of the medal, That he always endeavours for peace in making a shew of declaring war, and this is his great policy."

The Count de Raunts, Ambassador of his Imperial Majesty to the Chapter of Cologne,

Having received order from the emperor and electors of the empire, to go immediately to the Holy Cavern, came forwards, and said to the

Oracle,

"France hath endeavoured for many years, by his money and menaces, to make the Cardinal of Furstenberg Elector of Cologne; the emperor hath ordered me to represent to the most illustrious and most reverend chapter of Cologne, that the said cardinal, although a German by birth, is gained to be a slave to the crown of France: That he hath oftentimes betrayed the empire and its members: That he brought the war within the diocese, and made it a bloody theatre: That he dismembered Strasburg

from the empire, and delivered the citadel of Liege to a powerful stranger: That at this day he quarters the French in the strong places of the diocese: That he fortifies Bonn with the Louis of gold which the king his protector lends him, in hopes of being reimbursed by him in resigning Cologne to him."

The Oracle.

"The empire is a machine difficult to manage, and France will conquer it all, so long as misunderstanding reigns amongst them."

All the Monks and all the Priests of the Spanish Low Countries to the Oracle.

"Since the Queen of England was brought to bed, we are ordered by the Holy Father, and all the clergy of Spain, to sing *Ora pro nobis*, and to pray our Lady of Loretto, that the Queen of Spain may be with child also. If the Princess of Orange, and her sister the Princess of Denmark, were not heretics, we could at the same time pray for them, and they should have no cause to complain, if it happen that they remain barren, while all the other princes of Europe have reason to rejoice at their fruitfulness."

The Oracle.

"In barrenness, father of marvellous effect, as well as the assistance of some good father."

The most Serene Republic of Venice

Came forward, attended by all the senators; Morosini spoke, in quality of the doge, and said to the

Divinity,

"We have purged one part of Greece, the Adriatic Gulph, the Morea, and some of the islands of the Archipelago, of infamous Mahometism, and we are about placing the standard of Christians in all the churches of Constantinople. The ports of the Holy Sophia are open to us, the impostor Mahomet shall shortly have no sanctuary, but the fearful desarts of Arabia; the emperor, our ally, solicits us to make peace; all Italy represents to us that France makes advantage of our conquests. If we suffer him to pass the Alps, and if he advance on the Rhine, what ought we to do?"

The Oracle.

"All Europe enjoys peace in the East, and wish the war were in the West. But since you have gone so far, take Candia to assure the conquests."

The King of Siam to the Oracle.

"I have sent the reverend father Tachart, of the society of Jesus, in quality of ambassador extraordinary to the court of France, there to treat of the means to convert my people from idolatry, and to break commerce with the Hollanders. Part of the pagods of my kingdoms are already consecrated to Christianity, and have purged them of Marmasets, and of false Gods, with which they were filled. The reverend father Tachart hath counselled him to put in their places the statues of St Lewis and St Ignatius. On the other part, I have set out a fleet, and I have built fortresses on the frontiers of my countries, and the King of France hath sent me engineers, and he desires me to send my son to him, that he may be taught the art of reigning. The jesuits persuade me to be willing that the dragoons come as missionaries, from France, to convert my people. I beg of you to inform me what I shall do."

The Oracle.

"A good dragoon is a good apostle, but hath no faith, law, or baptism."

The King of Persia to the Oracle.

"We are at the end of the world, if it be true that the evangelist of Jesus Christ is preached through all the habitable earth. There is no other discourse, but of making new converts, as if the Son of God was come. The King of Siam, my brother, hath chosen rather to embrace the cross than the Alcoran, and a great many open the ports of the East to the fathers of Loyola, who advance in troops, and assemble in the Indies like wild loupes. If the prophets accomplish their prophecies, and my brother the sultan is driven out of Europe, Constantinople, and all the holy places of our prophet Mahomet's repose, will be purged of Mahometism, and I only shall be left in Asia; I beseech you what must I do to continue the circumcised, that they may spread over the world like an universal fire. And will not they reduce to cinders the mosques of the great God, if we do not take hold of this opportunity?"

The Oracle.

"The surest remedy that can be, is to make a great rampart wall from Ispahan to the frontiers of Persia, which may make a tower of a kingdom, to hinder the fathers of Loyola from entering."

The Canada, or New-France, to the Oracle.

"There is no finer countries in the world for the chasing the new converts than this is, if the fathers of Loyola will believe us; one passeth whole America, and principally into Canada, where are several great and vast champaigns, mountains, and forests, where the land flows with milk and honey, where the taste and delicateness is to be preferred to the best chicken in France. If the great Lewis was well counselled, he would let them sing no more in his kingdom, for fear that France, in the end, should become a frightful desart, where none but the Society of Jesuits inhabit."

A Remonstrance and Protestation of all the good Protestants of this Kingdom, against deposing their lawful Sovereign King James the Second. 1689.

With Reflections thereupon.

——— Ubi non est pudor,
Nec cura juris, sanctitas, pietas, fides,
Instabile regnum est.——— Sen. Thyest.

Better is a poor and a wise child, than an old and foolish king, who will no more be admonished.—*Eccles.* iv. 13.

It could hardly be expected that so great a change of government as that effected by the Revolution, should pass without some opposition; and accordingly an author was found hardy enough to publish the Remonstrance and Protestation in favour of King James, which is republished and confuted in the following Tract.

The time of publication was not ill chosen, for the date of King William's popularity did not ex-

ceed the revolution which he achieved.—"The truth is, that the new king already found his throne shake under him. By losing the bishops, he had lost the whole herd of their followers and admirers who had once so warmly espoused his pretensions, and who on the contrary appeared now as warm for a new revolution. His very friends, who had hitherto laboured with as much earnestness to place him on the throne as if the salvation of the world depended on it, now embarrassed him as much with their broils as they had before obliged him with their services. His enemies were every where hard at work to make a diversion in England and Scotland, while King James made use of his French auxiliaries for the service of France in labouring to extirpate the protestant interest in Ireland. Even his cabinet partook of the ferment of the times; and those who enjoyed the highest places in it, either confessed they were uneasy in them, or thought it necessary to take precautions for their security in case of a change. There are many passages in Sir John Reresby, which serve to exemplify the general disposition of things as well as his own particular discontent. Speaking of Lord Danby, he says he found him extremely cooled with regard to affairs, as now managed. And this observation he founds on the expressions which dropt from his mouth to the following effect: "That being embarked with all, he was sorry to see things no better conducted: That Ireland was in a manner become invincible by our neglect of sending forces thither before now: That with regard to this and other material points equally unheeded, he had been pressing with the king to a degree even of incivility: That he had told his majesty he plainly saw he did all he could to encourage the presbyterians and to dishearten the church, which could not but be absolutely prejudicial both to himself and the government; though he at the same time observed, his majesty interfered but little in councils, being prevented therefrom partly by inclination, and partly by want of health: That he was doubtful of the continuance of affairs as they now stood; that if King James would but quit his papists he might still retrieve all; that the discontents of the people grew daily greater and greater, and that King William, Lord Halifax, and all the rest of the new court, were most strangely infatuated with a persuasion of their own security."—*Ralph, II. 63.*

Reader,

Among gamesters, if the winner may by an ancient proverb be justified to laugh, I see no reason why a loser may not have the liberty of grinning. 'Tis the present case. The whole body of the nation is set free indeed from tyranny and popery, and cleared from the fear of it for the future, and are therefore with great reason transported with joy at this deliverance; but this not having been feasible without defeating the vile designs of some few wretched fellows, who were to make their fortunes by the slavery of their country; these men set up for reason, right, and honesty, who were the betrayers of all; and under several silly and thin pretences, would advance notions utterly inconsistent with the truest rules of reason, the examples of scripture, the laws of the land, and the common good. Among these few our author seems to be one. The wit, the honesty, the modesty, the love of his country, which appear in this paper, would make one think him one of those wise, honest, valiant, free-born English spirits which composed a late court. And this I am yet the more inclined to believe, because (though I know it was sent in penny-post-letters to several reverend divines of the church of England,) I am certainly informed it came from that forge, where for years by past all the most scurrilous invectives against the reformed religion were hammered, even the late Nat. Thompson's printing-house; and probably was written by that scribbler of his who penned The Test of the Church of England's Loyalty; and this ought to be one reason why all good protestants and honest Englishmen should have a care of this and the like pamphlets which would banter us out of our happiness. But let him be who he will, his honesty and modesty he manifests in the title, which he gives this libel, "A Remonstrance in the Name of all good Protestants." Who impowered him to make this? Who chose him the representative of all good protestants? Is the convention or parliament shrunk into his skin? If it be, he ill-favouredly betrays his trust, and talks contrary to the interest and meaning of his principals. But since

it is nothing so, and he only with a necessary confidence arrogates to himself the office of a prolocutor, we'll hear him, and be free with him.

"Since it is evident to the whole world that the present state of this kingdom is a state of force, and that, after all the pretence of property, there is no law in England but the long sword; and that upon that foundation, our present architects are raising the fabric of their new government: We who profess ourselves to be true protestants, and tenderer of the honour of our religion than of our lives, do think ourselves obliged, in conscience, to vindicate our reputation to mankind, by declaring our dissatisfaction to the present proceedings, and making a public protestation against the authors of them."

Refl. His title, one would think, had been an affront great enough for once upon all good protestants and every friend of truth; but this paragraph gives the lie to our senses. He tells us "'tis evident to the whole world, that the present state of the kingdom is a state of force." What can he mean? In the "whole world" I suppose he includes England; and all England know, that there never was a parliament chosen more fairly, or whose privileges and freedoms of debating and resolving were more punctually preserved to them. On the contrary, we are delivered from that which was indeed a state of force and slavery. Whither was true English liberty agoing, when in the late reign, at Northampton, the soldiers, at the choice of parliament men, were drawn up at the place of election, and commanded to load with ball, in order at least to terrify, if not to compel, the freeholders to give their votes contrary to the common interest of their country. This was a state of force with a vengeance. The latter part of this paragraph begs a question which has been sufficiently teized, but never clearly made out, by some of our *jure-divino* men; and till they can prove their principles, it concerns not us to regard their fulsome and slavish conclusions. We cannot believe our excellent religion has any thing in it of such servile tendency, as to incline us to part with our civil liberties and rightful properties. We do not believe that Christianity should unman us, or that protestancy can make us slaves and beggars. But go on.

"It is true, the fears and jealousies we have had of the coming in of popery, by the influence some great men of that religion had upon his majesty, improved by the daily reflections that were made, and the ill turn that was given to every act of state, by some malignant spirits among ourselves, made us, we confess, very cold and indifferent in his majesty's defence, against the prince of the blood of our own religion, whose errand (as we are told) was to preserve our religion and laws, and the just succession of the royal line. This only could have made us endure an action we should else have hated, presuming our king's loss should have been his gain, and our yielding, our victory: But since we behold, to our unspeakable grief, that our condescension is treacherously abused to private ends, and that shew of our disloyalty not made a remedy to the government, but a ruin to our king, and an infamy to ourselves, to serve the turn of some men's avarice and ambition: We"——

Refl. Good man! Fears and jealousies! The fellows of Magdalen College were only under a jealousy of being turned out? The bishops were only afraid of being sent to the Tower? Needed there any malignant spirits to tell the world that the country was ruined by an army kept up against law, and exempt from the power of the ordinary magistrate, and a thousand other plain violations made of the laws of the land? Was it not rather a miracle of patience that so generous a nation could lie quietly so long under such heavy pressures? But thus far is only prologue; and now enter Almanzor *solus*, for he uses the words *We* and *Us* only as he is a great man.

"We think it fit to protest against such injustice, and to declare, We neither know, nor will acknowledge any other king than James the Second, who is our lawful sovereign while he lives; and this resolution we will maintain upon all occasions, as becomes loyal subjects and good protestants to do. Nor ought this to appear a blind or unreasonable sacrifice on our parts, since we can find neither truth nor justice in the reason given for laying his majesty aside: For the king's desertion, so much spoken of, was a plain necessity, and not a crime: Had those foreigners that conquered, but by leave, suffered him to stay a king at home, he had never gone abroad: but if it were a crime, it was against himself, and not against the kingdom: His sins against the nation we have daily expected to hear of; those black practices that brought the Prince of Orange hither to save us, and do his princess right: It is plain his desertion, which is now made the fault to dethrone him, could be none of them, for that was not foreseen by the prince, or those that called him in; and we challenge those that have impeached him to prove to us, as clearly as they made us believe they could, that the birth of the Prince of Wales is an imposture; that the king has made a league with France to cut off the protestants of these kingdoms; and that his brother and the Earl of Essex were murdered by his appointment. Had these vile things been proved upon him, we had done with him for ever, and till then, common honesty would fly in our faces if we should desert him; and though his enemies have been able to deceive us, we hope they shall not be able to destroy us. If our good nature hath suffered us to be easily abused, our integrity will oblige us as quickly and thoroughly to resent it: And therefore, since we cannot have their proofs, we must and will have our king again for all this."

Refl. Now 'tis out. This was it he had to say; the rest is only facing and trimming, which being introduced by flat untruths, may well render it suspected; but now we have it; 'tis liable to exception in so many places, that no good protestant, or considering man, can agree to it. First, he says, King James is his lawful sovereign while he lives, without any exception, as either a resignation by a public instrument, or his sequestering himself from the world and making himself a recluse, or his proving a lunatic, or becoming (God bless us!) a fool, which if we allow not for good exceptions, he is more alone in his opinion than I thought; besides the case of abdication, desertion, and dereliction. Then he takes pains to clear his late majesty of any crime against the kingdom, in deserting the realm, which no man ever charged upon him, but most people thought it very well done by him. Next he expects to hear several things proved against him, which, from highly probable suspicions, had become the subject of public discourse, or of which positive proof was never promised, because in such cases 'twere unreasonable to require them. And yet he grants, "if these vile things were proved, he had done with him for ever." I offered before two cases in which a lawful sovereign may cease to be so while he lives; and our author here grants me another, *i. e.* if he be guilty of the crimes himself enumerates. Now see what a hopeful argumentator our few malcontents have got; for allowing, as he does, that these crimes are enough to extinguish our allegiance, then if crimes equal to these (and such no doubt may be perpetrated) could be made out, these also may be sufficient to the like end. For this concession let him excuse himself to his employers. The conclusion of this paragraph is insignificant bounce, but it has this in't, that it fits the character of its author.

"We know the excuse that is made for this profound silence, that they forbear to prove this black charge, out of pure tenderness to the king; but we are not to learn at this time of the day, the great tenderness of my Lord Shro. Mord. Lov.[1] Mr Harb.

[1] The Lords Shrewsbury, Mordaunt, and Lovelace; Admiral Herbert, Burnet, and the plotter Ferguson.

Burn. and Ferg. towards his majesty, no more than the gratitude of my Lord Mulgrave, Chur. Bark.[1] and the Bishop of Durh. or the mercy of Kirk, or the valour of Leneham, or the morals of all of them. But if those gentlemen and their partners are too tender to prove their charge, why did they make it? And if they cannot do it, why do they proceed and refuse to open his letters sent for an accommodation? They have accused his majesty of imposture; they must prove it, or make themselves the worst of impostors, which is an ill bottom for a reformation to stand upon. It is impossible for men of common sense to imagine, that three kingdoms can be taken away from any man out of tenderness to him, especially if the reason of it be, that they shew no cause why they do it. It is a mystery to us, how they can be so very tender of his credit, and at the same time, and in the same occasion, so mighty careless of their own. This has so ill a face with us, that the whole seems the plot of a few men, to serve themselves of the king's popery, and the Prince of Orange's protestancy, to bring the honours and profits of the government into their own hands, which is not preserving our property, but making a property of us."

Refl. All the black charge that was promised to be made out by our royal sovereign, upon his arrival in England, will be made good in due time; let him have patience. But if he expects that every violent suspicion that was, though upon very good grounds, entertained by many wise and good men, should be cleared and demonstrated by the present government, he mistakes, and talks unreasonably. The rest is *gratis dictum*: For, to pass by his foolish reflections on particular persons, who must needs despise so silly an author, how comes he to know that his late majesty ever sent any letters for an accommodation, which he says, were not so much as opened? That letter which was sent to the lords of the privy council from France, went to another tune. "No change of fortune shall ever make us forget ourselves so far as to condescend to any thing unbecoming that high and royal station in which God Almighty by right of succession has placed us:" And not a word throughout the whole of restoring the nation to the enjoyment of its laws, or redress of grievances, any farther than was done when our present king landed; which promises, though there said to have been made freely of their own accord, yet no man in his senses can believe that, and therefore cannot trust them.

"It is this that compels us to say, and declare to the whole world, we look upon ourselves to be cheated, and our king to be belied and betrayed out of all his kingdoms. Nor can the prince be blameless, if he yields to what they would give him for their own sakes, since that were only to do his and their business, and not the kingdom's. It is not enough to say, it is put upon him, for none can believe a few naked conventioners could force him at the head of his army to take three crowns from his father, brother, sister, and wife, against his own will and declaration: And that he should do it out of pure self-denial is as incomprehensible as that he could do it justly, after what he has said to the States and to us to the contrary. If therefore he came for less than three crowns, less than three crowns should satisfy him; if nothing less will content him, our preservation was not the real motive of his coming, and then the hazards he run upon that score cannot be justly placed to account of merit. The king of France himself (for ought we know) would have turned protestant for the bargain, which had been at least as great a miracle as any we have yet seen in this affair. And though what we have said were sufficient to deter all good protestants from taking any part in the work now in hand, yet we cannot forbear expressing our zeal against those

[1] Lords Mulgrave, Churchill, and Berkley.

evil practices, by letting our countrymen know the great mischiefs that must inevitably follow upon such a revolution, viz. reproach, violence, taxes, blood, and poverty."

Refl. Here our author would insinuate, that King William's design (when Prince of Orange) when he complied with the invitation of the best part of the nation, was the acquiring the regal authority. But why so? His intention might be, and in all probability was, only the rescuing of the nation, and settling things upon the ancient and legal basis: but this done, the parliament saw, that though he might be content with less, the deliverance he had wrought could not be secured without more; and therefore desired him, with his wife, to accept the crown, which his father had abdicated or deserted (let our author chuse which for this time) which his sister could then have no title to, nor ever claimed; and for the thing he calls his brother, all good protestants know it not. I cannot believe the French king would (as he says) have turned protestant for the bargain; because if that were his opinion, he would, no doubt, have communicated it to one at Whitehall, who was sufficiently guided by him. And now finding his forehead to be of the kettle-metal and colour, and so far at least fit for the business, he sets up for a gypsy, and will tell his country's fortune; that is, That upon this revolution we are to expect five things, reproach, violence, taxes, blood, and poverty; though the second and fourth of these be but one in this consideration, as well as the third and fifth; yet they shall all be examined as he has laid 'em down.

"*First*, We shall become the reproach and scorn of all nations: it cannot be otherwise when subjects attempt to judge and deprive their sovereign, which is a great contradiction, as well as danger in government: but to do it without being so much as once heard or summoned, is an injury not to be acted towards the meanest of his subjects: King Charles I. had fairer quarter from Cromwell and Bradshaw: they did not only charge him, but offered matter in evidence to maintain the charge: but this king must be guilty of what his accusers refuse to prove, if yet able to do it, and be dethroned for deserting the kingdom, though he could not help it. Nor do these gentlemen stop here; they will change the crown as well as the king; they will not be contented to lay him by, but chuse who shall follow, and by that make the crown elective, which for above 600 years has been successive;—a thing they lie under no necessity to do, but is the pure effect of their adventurous and flattering humour. Can this do less than render us odious to the whole world, when the king they lay aside never attempted so great an alteration in any branch of the constitution?"

Refl. As for the reproach, I cannot apprehend any the nation will lie under, so long as sense and reason obtain in the world. Such actions as these, of resisting tyranny, and setting free the oppressed, always had, as they ever deserved, the applause of men and the blessings of Heaven. The noble example here set, 'tis to be hoped, will raise the emulation of the neighbouring nations to assert their natural and legal freedoms; if it don't, we value not their envy, which is all it can procure us. In the next words he condemns what in the protestation (§ 3.) he allowed, that if the late king could be proved guilty of such and such crimes, he had done with him for ever; whereas now he's of another mind, and would have it to be a contradiction in government to attempt to judge concerning him, without which no man can be pronounced guilty. For what follows, 'tis certain both in reason and our law, that a withdrawing implies guilt, though I apply it not to the present case. He pretends then to say, that the crown of England has been successive for 600 years last past; if by this he means that the succession has been preserved with an exact regard to any line, (for the word *successive* is a word at large, and of diverse significations,) I say, if so he mean, he has fooled himself into a capacity of succeeding Oliver's porter; and yet if he don't mean so he means

nothing, and that's worse. It has been made out beyond all possibility of contradiction; and if historical faith can ever be well grounded, it must certainly be true that the chimerical lineal succession has been slighted at least ten times since William the Conqueror, and that the late new deference that has been given to it, has not been of above eighty years standing, and a mere novelty in our state. The work of designing courtiers, ambitious lawyers, and (who are worst of all in this matter) time-serving men of that venerable order where truth and the common good ought most to be befriended. In answer to his last assertion, 'tis plain, to pack a House of Commons, contrary to the minds and interests of the nation, is as great and as mischievous an alteration as can be made in any branch of the constitution.

"2*dly*, We are inevitably in a state of force, for what is gotten by force must by force be maintained; and let us flatter ourselves what we will, it is not a vote of parliament, but the nature of the thing that will prevail. They that make the change, must and will use force for their own security, whatever becomes of ours."

Refl. We cannot lie under a greater and more troublesome force than we did a year since, when hardly a night passed wherein some outrage or other was not committed by the late king's lawless soldiers, who exercised all manner of insolences with impunity, by being privileged (forsooth) from the usual methods of prosecution according to law. In appealing from a parliament to the nature of the thing, I think he loses himself again; and instead of personating all good protestants, he represents nobody.

"3*dly*, The charge of the Revolution will be intolerable in a while: we shall lay down a computation of one year's expence for an instance:—

To 70 sail of great and small ships of war in the channel, and 12 fire-ships and tenders, for one year, ...	1,400,000
To 8 sail in the Straits, and 5 in America, for the same time, ...	130,000
To transporting and maintaining 15,000 men to be employed in Ireland for one year, with artillery, &c.	500,000
The charge of sending and keeping an army in the Low Countries of 15,000 men for a year, ...	500,000
For an army of 15,000 men in England, yearly, ...	300,000
The total,	2,830,000

"To this must be added the expence of civil government at home, embassies, intelligence, secret services abroad, domestick or family expences, charges upon the revenue for debts owing, or by pensions to persons aged, necessitous, or meritorious, which will mount it to above three millions, and that is more than one-third of the yearly value of the whole kingdom. To this must be added the abatement that will necessarily follow both in the customs and excise, by reason of war and decay of trade, which in the customs alone cannot be less than one-third, and that comes to at least 400,000*l.* a year.

"Here is poverty like an armed man: all rents must fall at least one half: no employments can be had in proportion to the poor: the means of charity, as well as hearts to give it, will be wanting; the objects of it must extremely encrease, and that so very suddenly, that it will not be in our power to hinder it if we have not that peace, which nothing else can give us but the restoration of our right master."

Refl. All beside the purpose. The nation is willing to give thus much and more (and

well is it worth) for their rights, laws, and properties again. Fear not, slave; the heads which managed this glorious atchievement want no purses, nor hearts, nor hands, to make good what they have done.

"*4thly*, And for blood, can we hope to escape it in war? First, by sea it is not to be avoided; by land we will invade the territories or conquests of France, if he in our king's quarrel does not invade us first. Secondly, there is blood with a vengeance, though we are not beaten; but if we are beaten, there is blood with rebellion upon us, which will not end without blood in peace, and almost an infinite forfeiture of estates. Thirdly, we are not assured we shall be long quiet within ourselves, many strong factions already appearing; and we are less assured that Scotland will not be in arms, and find something to do in this conjuncture, that has a king to lose, and to chuse as well as we. For Ireland, we are assured, or ought to be, they who possess the government, will lose it at as dear a rate as they can; their all is at stake, and they are not without hopes, by the French king's assistance, to recover all for their own, and will value themselves to him and the world by revenging our despisings and insolence both to him and them. Nor can we think they will endure this indignity to the first king of their religion since the Reformation; or suffer those to be ill used here that have faithfully served their king, without meting the same measure to some disloyal persons there. Otherwise as little wit as we allow the Irish to have, they have enough to know that a massacre, which we so much talk of, would be their own ruin; and that if they carry it fair to the English, they will in a while gain those there to join them, and more than there too, for the restoration of their and our lawful king. But be it as it will, whether we regard ourselves, Scotland, Ireland, or Holland, war and blood look us in the face, and poverty and misery must follow. These are like to be the sad consequences of this celebrated change."

Refl. This is the scare-crow paragraph: Raw-head and bloody-bones! He tells us here will be work for the sword: with all our hearts. The old English liberties cost our ancestors many a tun of blood at first, and since they could not be had cheaper, they were worth it. Does this crawling slave then think to fright us out of our own by threatening us with a brush or two? No, let him tell his stories to some dainty monsieur, or some blockhead-teague, and not accost his own countrymen with such an affront. But, God be thanked, even this has nothing in't; the nation is comforted to see itself under the protection (under Heaven) of the bravest king that ever adorned the throne, and is fully satisfied that nothing can perpetuate its happiness but a close conjunction in the common defence. So that this huff is no more to us than to a passenger is a dog under a door, who stares and barks terribly; but the honest man may go on without fear. I mind not what he says when he acts the Sir Pol., a few months will better confute him.

"Now whether our dangers were so great, or our fears so just, as to require all this alteration for our security, days of affliction can only inform us if we will still be deaf to those just and peaceable expedients that have been often proposed to us. We shall close our Remonstrance with this caution to the present busy men, that they cannot honestly lay their king aside without entering into the merits of the cause, which it is plain they wave; and in as much as they cannot justly say, he has laid himself aside by deserting them, when his desertion is coercive and against his will, let them repent of what they have done, and let us all join for the prevention of civil, as well as foreign bloody wars, to fetch him home to the kingdoms of his fathers, with greater glory than he came first to them, and it shall not lessen it that it be done with greater security to our just freedom."

Refl. Now are we come to the recapitulation, where, as it was proper enough, he repeats his former shams. He gives the horriblest oppressions and injustices the name of Dangers, and the most illegal sufferings he calls Fears. He tells us of just and peaceable expedients that have been often proposed, but yet of which no man ever heard a word, at least while any credit was due to them. Then he advises us to enter into the merits of the king's cause, of which he once before said it was a contradiction for us to make a judgment. And at last, to conclude this politic piece of sense and argument, he gives us *dignum patellâ operculum*, the whole question begged; "they cannot justly say he has laid himself aside by deserting them, when his desertion is coercive [nonsense] and against his will." Let him answer these two axioms I'll lay down: No nation can stand without government, of which the late king left us destitute. Fear alone is no force upon any man; and more than fear (and that of far distant and only imaginary danger) he was never yet pretended to lie under.

Thus have I prefunctorily and with a running eye reflected upon this applauded piece. Many passages, upon a review, I see I have slipped either through haste or contempt, which yet, if the author think it worth his while to defend his pamphlet, may have a regard: but, if he hath time upon his hands, I would advise him rather to employ his pen in giving our late court, and the managements thereof, the character they deserve; as, first, let him declare the wonderous gratitude they shewed to their heartiest friends, the church of England, the members whereof were the main instruments of the Restoration, the only opposers of the Exclusion, and the single confounders of the Monmouth-adventure. Then let him launch into a vast field of eloquence on the subject of the even justice which was kept up within the last marvellous four years, under the justest, the meekest, the most modest, and the most virtuous chancellor that ever kept a purse; and a bench of judges, of whom at least three or four more never had their like upon the bench since King William the First: and here let him tell how Westminster-Hall was crowded every term with suitors for justice from these men of learning and integrity, and what a blessing they bestowed upon the nation, when they prostituted its laws to a dispensing power. The happiness also they enjoyed by an unnecessary illegal standing army, may deserve from him an encomium, which he may well conclude with a panegyric upon the felicity of being yoked and spur-galled, or else a copy of verses in praise of a pair of wooden-shoes.

Conclusion.

And now, honest brother Englishman and fellow protestant, our countrymen having always accounted it half a victory to find out their enemies, I'll give a little description of the most dangerous foes to the common good and happiness of the nation. On one side are,

Such as intoxicate the people's heads with a chimera of *jure divino* monarchy, and bubble 'em with a false opinion of a certain lineal succession, which was never nor ever can be made out.

The same would scare you by telling of the sacredness of your oaths of allegiance and supremacy; when the character which was the object of their obligation has virtually, and as much as in him lies, been thrown up by the person who bore it.

Some of these are men of a character to be reverenced; but they are afraid of some abridgment of power, wealth, and ease, if the general good be nicely attended to in the present reformation. There have been such scrupulous consciences as these in the world before, when a gnat came in their way.

On the other side are wicked men who are equally to be detested and avoided.

Such as, perhaps having been sufferers mostly in a private capacity, make use of their authority and interest at this time to foment parties, and to animate the dissenters against the church of England.

Such as these are, those who being set by their country in any high character, make it their business to rip up old sores, and instead of helping on the healing designs of our true patriots, confound the public consultations with pursuits after private piques and unnecessary resentments.

These mix perplexities and delays in our most needful counsels, and tell a tale of a house of office at Billingsgate, while a nation may be lost.

Of these and of those, my good countryman, have a care. They are enemies to thy peace.

A Letter to a Friend upon the Dissolution of the late Parliament, and the Calling of a new one; together with a List of those that were against making the Prince and Princess of Orange King and Queen.

In a little more than a year after his accession, King William became so disgusted with the obstinacy of the whigs and the parsimony of the commons, that he dissolved the parliament, and altogether broke with the party which had placed him upon the throne. This required some apology and excuse to the nation at large, and the following Tract puts his justification upon the insults he had received from parliament, as well as the existence of a strong Jacobite party within its walls. The piece would seem to have been published by authority.

Sir,

As I do fully acquiesce in the wisdom and authority of the king in dissolving the late parliament, so I'm perfectly persuaded that he did it upon motives relating to his own honour, and to the safety and happiness of his people, and not in subserviency to any prerogative design, nor to please himself with an exercise of regal power. And I will venture to say that nothing could have induced him so abruptly, as well as unexpectedly, to have dismissed a parliament that first advanced him unto, and then by so many free and vast contributions endeavoured to support him in the throne, but the finding them unserviceable to the uniting of protestants, the vindicating our laws and liberties, and the punishing of those who had subverted our constitution, which as they are the only justifiable grounds both of his coming hither, and of his accepting the royal authority, so nothing less than pursuing those ends can vindicate his descent into England from being an unrighteous invasion; and his ascending the British throne from the reproach of an ambitious usurpation. How could a prince of his integrity and wisdom think, that the obtaining and wearing of a crown was honourable and just, while the reasons upon which he received and possessed it were not only controuled and reproached, but exposed and ridiculed? Nor is it possible for his majesty to believe that the late king was so heinously guilty as to forfeit all right to sovereignty, while those who advised him unto, and were the ministers of all his misgovernment,

whom the law makes chiefly, if not only accountable, were esteemed guiltless and innocent. He could not but foresee that the abdication of King James is easily reversible, and that he himself holds his crown very precariously, if there were nothing to justify the enthroning the one, and the dethroning t'other, but the hasty and arbitrarious vote of the majority of the two houses. And he must needs look upon all that was alledged concerning the late king's violating the original contract, and his subverting the laws of the constitution, as fiction and dream, while there were none to be found that counselled him unto or assisted him in it.

And as this justifieth the wisdom of his majesty in the dissolving of the late parliament, so we may from hence easily conclude both upon what prospect and hope he hath been pleased to call a new one, and by what measures those to whom the right of electing members doth belong, are to guide themselves in the ensuing choice. Nor do we only want a parliament that may confirm, establish, and support his majesty in the throne, but which may proceed on those principles as does render his accession to it necessary, as well as honourable and just. And as the nation is once more furnished with an opportunity of chusing such a representative body as may vindicate and assert its ancient laws, rights, and liberties, so there is a fresh advantage offered us of testifying our loyalty to his present majesty, and of promoting his greatness, as well as of providing for our own future safety. I need not tell you that the ends to be proposed in the service of those who are to be elected are, that your throne may be settled upon firm and righteous foundations; and that all his majesty's subjects may live at ease and unity under his government. 'Tis therefore, first, incumbent upon all wise and honest men, that they elect such to represent them, as may both allow and confirm unto the king all the ancient and legal rights of the crown, and yet at the same time recover and secure all those privileges unto the people, which the invading and wresting from them gave occasion unto, and can alone justify the late revolution. Whosoever seeks to enrich the king with the spoils of his subjects, and to adorn him with what our late monarch ravished from them, can design no less than that the same fate should befall him which overtook his predecessor; which is the robbing him first of his people's affections, and then of his own authority. Secondly, 'tis no less the duty than it is the interest of all that would have the nation formidable to its enemies, and the king successful in his undertakings, that they depute and authorise those to act for them in parliament, who, without subverting or undermining the church, may not only preserve unto dissenters that liberty vouchsafed unto them for worshipping God, but who may restore them unto, and vest them in all the common rights and privileges of Englishmen. Nor will it be easy to persuade so great a company of people, that they find their account in the late revolution, unless they be admitted by law to enjoy the same advantages under the present king, which by dispensing with, and an usurpation over the law, they were possessed of under the last. Thirdly, we are to esteem them the fittest of all others to be returned to serve in the ensuing parliament, who are likeliest to maintain in our allies a confidence of us, and to encourage them both to continue the confederacy, and to pursue the ends of it. And, therefore, as we would not give jealousy unto them, and weaken the union amongst themselves and with us, we ought to avoid the chusing of those that have heretofore promoted the grandeur of France, or that have either sought the destruction of the Dutch, or expressed a malice and rancour towards them. Fourthly, as we would not betray both the king and ourselves, we are to chuse none but such who are entirely in his majesty's and in the kingdom's interest; which, as it is impossible to believe of them who acknowledge him only a king in fact, but not by right, so it is not easy to conceive how they should be forward and zealous to support him in the throne, who opposed his coming to it. The enemies to King James's abdication are not like to be true and lasting friends to King William's sovereignty. In short, it is the duty of all that love the present establish-

ment, to be against those whom you find them to be for, that refuse to swear allegiance to their present majesties. Nor are they worthy of the vote of an honest man, who are not satisfied with the protection of the royal power, unless they have both the mastery of it, and the exerting and applying of it to the oppression of their fellow subjects. 'Tis not a king, but a tool under that name which they desire. And instead of allowing him to be the universal and equal ruler of all his people, they seek to reduct and degrade him to be the head of a little and peevish faction. Which that his majesty may be preserved from all temptations unto, through the wise choice of those that are to sit in the following parliament, is the unfeigned desire of,

Sir, your humble servant.

Berks.
Lord Norris.
Buckinghamshire.
Sir Ralph Verny.
Camb.
Sir Levinus Bennet
Sir Robert Cotton
Sir Robert Sawyer.
Cornwall.
Sir Bourcher Wrey
Fran. Roberts
Sir John St Aubin
Charles Godolphin
Nich. Glynn
John Tanner
Alexander Pendarvis
James Praed
John Rashleigh
Fran. Vivian
John Specot
Sir Jos. Tredenham
Hen. Seymour
Sir John Coriton
John Prideaux.
Cumberland.
Sir Christ. Musgrave.
Derby.
John Coke.
Devonshire.
Sir Edward Seymour
Christo. Bale
Sir John Fowell
Rawlin Mullack
William Cary
Henry Nortleigh
Sir Arthur Chichester
Edm. Walrond
Will. Hayn
Will. Coleman.
Dorsetshire.
Tho. Strangways
John Pole
Sir Robert Nappier
Edward Nicholas
Rich. Fowns
Will. Okeden.
Durham.
Will. Lampton
Robert Byerley
George Morland.
Gloucestershire.
Will. Cook
Tho. Master
Sir Fra. Russel.
Herefordshire.
Hen. Cornwall.
Huntingdonshire.
John Bigg.
Kent.
Sir John Banks
Sir John Twisden,
Caleb Banks.
Lancashire.
Fran. Cholmondley
Sir Edward Chisnal.
Leicestershire.
Sir Tho. Halford
Tho. Babington.
Lincolnshire.
Charles Bertie
Sir John Brownlow.
Middlesex.
Sir Charles Gerard
Ralph Hawtrey.
Monmouth.
Marquis of Worcester.
Norfolk.
Sir William Cook
Sir Nevyl Catlin
Sir John Turner
Sir Fran. Guybon.
Northamptonshire.
Edw. Montague
Gilbert Dolben
Sir Justinian Isham
Lord Wenman.
Northumberland.
Will. Forster
Philip Brickerstaff
Sir Ralph Car
Roger Fenwick.
Nottingham.
Lord Eland.
Oxon.
Sir Robert Jenkinson
Sir Thomas Clarges
Hen. Berty
Sir John Doyley.
Rutland.
Sir Tho. Mackworth.
Salop.
Edward Kynaston
Andrew Newport
Sir Fran. Edwards
Sir Edward Acton
George Weld.
Somerset.
Sir Richard Hart
Sir John Knight
Edw. Berkely
Sir Will. Basset
Sir Will. Portman
John Sandford
Sir Francis Warr
Francis Luttrel
Nathan. Palmer
Sir Edw. Windham
Will. Helyar
John Hunt
Tho. Sanders.
Southampton.
Franc. Morley

Sir Benj. Newland
Sir Robert Holms
Earl of Ranelagh
Thomas Done
Franc. Guin
William Etrick
John Pollen.

Staffordshire.

John Gray
Robert Burdet
John Chetwind
Sir Henry Gough.

Suffolk.

Sir John Cordell
Sir John Rous
Sir John Barker
Tho. Glemham
Sir Hen. Johnson
William Johnson
Sir John Poley
Thomas Knyvet
Hen. Pooley
Sir Robert Davers
Sir Thomas Harvey.

Surrey.

John Weston
White Tichburn.

Sussex.

Sir William Morley
John Alford
Charles Goring, jun.
Will. Morley.

Warwickshire.

Sir Richard Verney
Sir Roger Cave
Lord Digby
William Colemore.

Westmoreland.

Richard Lowther
William Cheyne.

Wiltshire.

Lord Cornbury
Robert Hyde
Richard Lewis
Peregrine Berty
Henry Chivers
Walter Grubb
Charles Fox
Sir Edm. Warnford
John Dean
Sir John Ernle
Sir George Willoughby

Worcestershire.

Henry Parker
Sir John Matthews.

Yorkshire.

Earl of Danby
Sir John Jennings
Christopher Tancred.

Brecon.

E. Jones of Buckland.

Denby.

Sir Rich. Middleton
Edward Brehon.

Glamorgan.

Thomas Mansell.

Pembroke.

Sir William Wigan.

A Vindication of the Proceedings of the late Parliament of England, An. Dom. 1689, *being the First in the Reign of their present Majesties King William and Queen Mary. By John Lord Somers.*

It does not appear upon what authority this piece is ascribed to the great lawyer and statesman from whose collection this miscellany was formed. It does not occur in the list of Lord Somers' works given by Walpole, and augmented by Parke, nor in that of the author of his article in the Biographica Britannica. But in style and spirit it is not unworthy the great name prefixed to it, and it was a point of Lord Somers' character to be very indifferent towards claiming the literary merit to which he was entitled. It is well known that he composed several political tracts at this important period. His pen was ever ready to serve the public, but with so little regard to his own peculiar fame, that we are ignorant even of the titles of many of his works. Being a general review of the revolution parliament, it is placed before some other tracts on the same subject, though posterior to them in date.

I. The proceedings of the late parliament were so fair, so prudent, so necessary, and so advantageous to the nation, to the protestant interest in general, and in particular to the church of England, that all true Englishmen must needs acknowledge they owe to the then representatives of the nation, their privileges, their liberties, their lives, their

religion, their present and future security from popery, slavery, and arbitrary power, had they done nothing else but enacted the rights and liberties of the subject, and settling the succession of the crown.

So that it is now, and perhaps but now, that we may call ourselves the free-born subjects of England, as being fully secured for ever by this act, from the heavy and insupportable yoke of arbitrary power, the necessary consequence of a power of dispensing or suspending of laws without consent of parliament.

II. Their settling the crown upon the head of a protestant prince, who is the very centre, the chief prop and pillar of the protestant religion, secures all protestants not only at home, but likewise in all other parts of Europe; insomuch that it is upon him only that we ground all our hopes of seeing, ere long, Lewis XIV. called to a just account for all his unjust, arbitrary, and tyrannical proceedings against his own subjects, as likewise against his injured and weaker neighbours.

III. Their not acting in the least after the example of their neighbours against prelacy, but rather favouring it by such acts as fit only episcopal men for public employments, gives all reasonable satisfaction to the church of England; without any just offence either given to the dissenters, who, under the present government, enjoy to their own heart's desire, their long-wished-for liberty, without being liable to the lash of the law, for serving God after their own way: Notwithstanding all this, so hard, yea, so impossible a thing it is to content all parties, not a few vent their malice in every corner, yea, and in print too, against the king and parliament, though all their proceedings hitherto tend so directly to the general good of the nation, that we must either want common understanding not to see it, or prove most ungrateful to our representatives not to acknowledge such an evident truth as this is with our most thankful returns. To proceed with some method in this designed vindication of the late parliament, I shall, first, take a summary view of the late condition of our affairs; and, secondly, give a full answer to whatever is maliciously suggested to the unthinking multitude; yea, and in printed pamphlets likewise, to the seducing of the simple, and to the great encouragement of the professed enemies and disturbers of the present government.

IV. If we consider in what condition we were in the two last years of King James's reign, we may remember we were given up for lost by all our friends in Europe, and did think so to ourselves, it being then impossible for us to imagine from whence our relief should come. A power of dispensing with and suspending of laws, and the execution of laws, was already so fully established, that the very humble petitioning to be excused from concurring to the said assumed power, was crime enough for the commitment and prosecution of divers worthy prelates: The court of commissioners for ecclesiastical causes was a sort of inquisition; or, at least, a certain forerunner of the new way of converting people, by the irresistible eloquence of armed dragoons: The levying money for and to the use of the crown, by pretence of prerogative, for other time and in other manner, than the same was granted by the parliament, was nothing else but a preparatory contrivance, to try afterwards a French experiment upon the gold and silver of the nation: The horrible and illegal punishments inflicted by corrupt judges, excessive fines and bails, and several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons upon whom the same were to be levied; and all the other injustices, grievances, and irregularities of those days, were but previous dispositions to the new modelling of the nation into a frame, the more easily to be wrought upon by the Romish priests, in case their weak arguments could not prevail, as 'twas impossible they should have prevailed, in a nation so well provided and stocked with solid learning, both against error and superstition.

V. If this was our condition within ourselves, it was made much worse by the dis-

mal prospect of the threatening French greatness: The French king's known and close engagements with the late King James, the sudden growth of his power both by sea and by land, seemed to threaten all his neighbours with the utmost desolation, unless by laying aside the use of their reason, they acted all like fools and turned papists; which could not secure them neither from oppression and slavery, since none are greater slaves, nor so unmercifully oppressed as the French papists themselves: This is but a short and summary view of the public calamities and miseries we lay under, till our deliverer came over to free us from them, by the best methods our representatives could fall upon for our safety in times to come; which are certainly such as give full satisfaction to all good men and loyal subjects, that are not still in love with popery, and slavery both of body and soul, which always attends it: So that the present posture of our affairs is now such, that we have all reason to hope, if we can but agree among ourselves, this kingdom may become again, as 'twas of old, the terror of France. Europe never bid fairer for a level of the French monarch, he being now surrounded on all sides, by those he has made his irreconcileable enemies, by his daily breaches of oaths, by his oppressions and invasions, contrary to all treaties made with him either of peace or truce.

VI. We cannot then but highly commend the prudent measures of the last parliament, for supplying his majesty with necessaries towards a vigorous prosecution of this present war the nation so long wished for in vain; the French interest prevailing too much formerly at the court of England, against the interest of the protestant religion, and of the English nation. Such then as complain of some present hardships, always unavoidable in time of war, and would fain work the people into a belief of a happier condition under another change of affairs, seem not to understand their true interest; for must we expose ourselves to a certain ruin, to the loss of our lives and liberties, by not contributing liberally to the maintenance of a war, so necessary in this present juncture of our affairs? Our all lies now at the stake, our lives, properties, liberties, and religion: Should any tax or impost put us out of humour, and cause us to wish for a change, as if we could pretend to any security, in case things were settled again upon the same foundation they were on before?

VII. Are we not sufficiently acquainted, from daily experience, with this undoubted popish principle, "That a papist is obliged to break his oath taken not to extirpate heresy, as soon as he is in a capacity to root out what he thinks heresy, under a no less pain than that of eternal damnation?" King Lewis has satisfied all the world by what he has lately done, that this is no calumny; and King James cleared all our doubts upon the matter, by what he likewise really did and endeavoured to do.

VIII. But a late seditious pamphlet tells us a tragical story of the decay and loss of trade by this present war, "That the Dutch run away with our trade at sea, and the French with our ships:" This is but a mere groundless flourish, that can only make impression upon some weak minds, that neither understand their own interest, nor that of the nation they are in; 'tis true we have lost several ships, and that is unavoidable in the beginning of any war as well as in this, till the merchant-men bound homewards are informed of a war declared, which must needs require some time; but of late we have lost none, or we have taken the equivalent of our losses from the enemy; and for the time to come his majesty has taken such measures that it shall not be hereafter in the power of the French to put a stop to our trade, either into Holland, Spain, the East Countries, or West and East Indies; and as for the Dutch, 'tis a groundless supposition, though too often in the mouths of such as are disaffected to the government, "That they run away with our trade," since the contrary may be easily made out to an unprejudiced mind; do we not trade still, as well as the Dutch, both to the East and West Indies, to Swedeland, Denmark, Hamburgh, and Poland? Do the French allow them free passage more than to us? And if they send abroad greater merchant

fleets, and perhaps under greater convoys, than we do, by so doing they rather lend us a helping hand than wrong us; because in the mean time they clear the seas of French privateers, which makes of course our voyages the safer, and great convoys not so absolutely necessary as they would be at another time, when we were not in union with the Dutch: So that such reflections are either but idle and frothy discourses, or made upon a design to raise sedition, and stir up the nation against the present government. But grant that what this disaffected pamphleteer says were really true, as it is not in the full measure he would have it, let us balance our present decay of trade on the one side, and on the other hand the consequences of not prosecuting vigorously the present war against the French, and we shall easily discover either the gross mistakes of such as discourse after this rate, or their real designs to ruin their country, by preferring a small inconveniency of not so full a trade to the very being of liberty and religion, and perhaps of the nation itself.

IX. For let us allow to this pretended politician, the desired change of government he seems to aim at, this can never happen but in one of these three ways, either by the returning of King James again, or by the invasion of King Lewis, or by a civil war at home; which last thing, if some do really intend, they design nothing else but their own ruin, and that of their country; and if they would have King James to come again, must he come in by conquest? If he ever recovers England by conquest, where are then our properties, our liberties, our religion, our laws, and whatever privileges we now glory in, and that no other subjects in the world can boast of? Would they have King James come in again by agreement? Besides the apparent impossibility of the thing upon several and obvious accounts, I would willingly be satisfied, as I was saying before, how we can trust him after so many violations of his word; and since, by the principles of his religion, he is obliged in conscience not to keep either word given, or oath taken, to protect and promote heresy, if he is once in power to destroy it. If our pamphleteer pretends to a change of government by a French invasion, he must either be a professed French papist, or a very bad English protestant, and quite of a different temper from all true Englishmen, who have stood in opposition from all times to the French interest, not only upon the account of the protestant religion, but likewise because of their civil rights, which both they must of necessity part with, if the French ever got footing in England.

X. I confess, as things now stand, there is little or no danger at all of their attempting the conquest of their ancient conquerors, the English, because of our union at present against France with so many powerful allies; but yet, if we take not hold of this opportunity by the fore-lock, I know not what may happen in another scene of affairs, in case we were left alone to deal with the French; who, by the connivance of the last two reigns, are become so formidable at sea as to be a match either for us or the Hollanders. Now, can any man of reach blame the king for recommending so often to the late parliament, the absolute necessity of prosecuting vigorously the present war, in this present juncture of our affairs, or find fault with the representatives of the nation, for supplying him with the necessary sinews of war, especially since he has offered to give them an account of the disposal of their money, for the very uses they designed it for: Neither can we be jealous of his majesty's design in calling in foreigners, in order to the speedy reduction of Ireland, because 'tis a matter of great consequence for the humbling of France, both by sea and land, together with our allies, to put an end to our domestic broils with all possible expedition; and this cannot be better performed than by joining to our own forces a body of veteran and experienced foreigners.

XI. But this looks, say some of our mal-contents, as if his majesty mistrusted his own subjects, which, if narrowly looked into, is a mere groundless aspersion, since all his majesty's forces, both by sea and land, an inconsiderable number of foreigners ex-

cepted, are natives either of England, Scotland, or Ireland. Does the French king mistrust his own subjects because of his joining with them several foreign nations, as Switzers, Italians, and both English, Scotch, and Irish upon occasion; the true reason of this common practice is, that an army consisting of forces of different nations, is upon this account more formidable than it would be if it consisted of mere natives, that both those foreigners, and the natives, fighting through emulation, leave no stone unturned to outdo one another; the observing of this maxim made the Dutch a free people, to the pitch we see them in at this day. The French likewise owe in part their present greatness to the valour of the English, Scotch, and Switzers, who fighting not so much out of any particular kindness to them, as for their own reputation, were wont to overthrow whatever stood in their way, to the great advantage of the French, under whose pay they then were. Undoubtedly this is his majesty's design in sending for foreigners, that the natives may act their parts the better by emulation and example; so that though it be allowed to be true, as certainly it is, that King William has a sufficient number of his own subjects to reduce Ireland, and those of an unquestionable valour too, yet it is prudence in him to call in strangers, to give life and a new vigour to his armies upon occasion.

XII. But in our case there is another reason not to be dissembled, why the present government thinks it necessary to make use of foreigners for our assistance; and it is this, that though the nation be full of stout and valiant men that might alone do the business, yet 'tis to be considered in this unparalleled juncture of our affairs, that if we divide the three kingdoms into six parts, two, I doubt, at least, would prove either Jacobites, or disaffected to the present government. Now, what if the king raised an army, consisting in part of Jacobites, or of persons disaffected to the present government, since 'tis hard to know the bottom of men's hearts, what if, I say, this happened, might not such an accident as this, not altogether impossible, endanger the whole nation, and throw it into the greatest confusion imaginable, either by setting up King James again and the French interest, or by converting this ancient and moderate monarchy into a commonwealth, which would prove perhaps no less the ruin of the nation, than an absolute, arbitrary, and tyrannical government? Is it not then more advisable now, and I am sure those that love their religion and the present interest will be of my opinion, to make use of this juncture of foreigners, together with the natives, to keep a little in awe the hidden Jacobites, and such as are disaffected to this government, lest they undertake to ruin the nation upon the first fair opportunity to execute their treasonable and pernicious designs? This complaint of our mal-contents had been more plausible in another juncture of time than in such an one as this is, which once successfully over, and a peace concluded, we are secured by our laws from our own standing forces as well as from foreigners. In the mean time we ought to look to ourselves, as all wise men ought to do, and secure ourselves against pressing and present dangers the best way we can, without minding remoter accidents, and merely possible events, that are not yet so much as in prospect; for upon mere apprehensions and groundless fears of what is never like to happen, to put a veil before our eyes, hindering us to see the brink of the precipice we now stand upon, is an unaccountable piece of folly, or rather madness, that no man having his wits about him can be guilty of; yet we must needs prove guilty of such a piece of madness and folly, if, through a groundless fear of what can never happen in England, as things are now ordered, we should scruple to secure ourselves by the help of foreigners from the Jacobites and the mal-contents, who might perhaps get the upper-hand if not prevented in time, by some good method, as this is now thought to be.

XIII. No farther encroachments upon our rights and privileges are to be feared in time to come, since the bad success of all our late kings is an example to all their successors, wherein they may read their destiny, if they understood so little their own interest

as to act arbitrarily, as some of their predecessors did, to the great disturbance indeed of their subjects for a time, but at last to the utter ruin of themselves and their adherents: His present majesty is so fully persuaded of this truth, viz. that the sovereign's greatness in England depends chiefly and only upon the love of his subjects, that taking his interest and the people's to be the same, as really it is, and always ought to be, to shun the dangerous factions of court and country, he prudently complied with their just desires to whatever they thought fit to be done for the common good. I am then of opinion, that England was never so happy as 'tis now, [laying aside the consideration of the present war so absolutely necessary,] because of the good understanding of the king and his subjects, though our seditious pamphleteer leaves no stone unturned to divide them; whoever he is, he must needs be a man of a strangely disaffected spirit, since he blames the late parliament for allowing his majesty so much power as makes him a true king, and not the bare representation and shadow of one, as he would really be, if, according to the project suggested by this man, he should not be allowed so much as the liberty of chusing his own counsellors, nor of proroguing parliaments either, upon occasion, &c.

XIV. The suspending and stopping, or stabbing as he calls it, of the *habeas corpus* act, puts him in a great fit against the late parliament, as having by this suspension wronged the liberty of the subjects; yet if, before we give our last judgment upon the matter, we consider, as we should do, all things impartially, not suffering ourselves to be biassed by a wrong apprehension of things, we shall easily discover that the suspending of that act, at that time, was the only way to secure our properties and liberties, by preventing a civil and domestick war, which in all likelihood had ensued had it not been prevented in time, by impowering the king to secure such as, because of their quality, or their former engagements with the then mal-contents, were likeliest to prove ringleaders to new disturbances, in a time when things were not as yet settled upon so sure a foundation as they now are.

XV. But nothing is more insufferable in this seditious pamphleteer, than his affected jealousy of his majesty's being a sincere protestant, as if the nation should be the more afraid of him upon this account, because forsooth the parliament is likelier to give him more power than if he were a papist, or of a contrary religion to that of the nation. This is such an unaccountable reflection, that I cannot but wonder to hear it from the mouth of any man, that either pretends to common sense or reason: for, first, At this rate of arguing, it would be better for us to have a king we hated and feared, than one of the same religion we loved and were sure of; which is such an absurd inference, that none but a madman can propose it as reasonable. Secondly, Grant what he says to be true, as it is not, our religion, however, is secure, and perhaps the securer the greater power we trust him with. But, thirdly, As our late representatives gave so much power to our glorious deliverer, as made him a king, and a powerful one too, so, on the other hand, they have had so much regard to the safety of the people, as to secure their privileges and civil rights from any future encroachments of the prerogative, as may easily be made out by the late act, declaring the rights and liberties of the subject, and settling the succession of the crown.

XVI. The popish subjects are generally so oppressed by their absolute sovereigns, that through an excessive flattery, and fear of blows, they seem to worship their kings as gods, allowing them an illimited power, which no man of sense can admit of in a being of a limited nature, or at least allowing them to be the fathers and absolute masters of their people, though the kings generally came out of the people's loins, as being at first made by them, and not the people out of theirs; and though subjects ought not to lord it over their sovereigns as masters, yet they ought not to be their slaves neither, but are to enjoy under their government such privileges and liberties as may settle them in an unalterable state of happiness, that the princes themselves may not destroy

at pleasure; for as nothing is more rational than that we should submit in all things to the absolute power of God over us, so nothing is more unreasonable than a blind obedience to earthly princes, as if they were as infallible as God himself; whereas their very kingship proves sometimes an occasion to make them the more liable, both to error, as being often misinformed of things, and to sin likewise, if they are not truly religious, as King William undoubtedly is, because of their uncontrolled power of doing what they please.

XVII. For these, and other reasons of that kind, though William III., whom God long preserve, be the mildest and moderatest prince that ever sat upon the English throne, yet our representatives, to secure us from the encroachments of this and all succeeding ages, have thought fit to declare and establish the rights of the people so fully, and upon such a sure foundation, that England now is the securest and happiest nation in the world, if the natives can be but sensible of their own happiness. *Fœlices nimium bona si sua nôrint Agricolas!*

XVIII. Four things especially declared in this act, secure us from oppression, tyranny, and arbitrary power. First, The rejecting of either a dispensing or suspending power. Secondly, All grants of money for, or to the use of the crown, reserved to the parliament for the time in being. Thirdly, The disbanding of standing armies in time of peace, unless the parliament give consent to the keeping them on foot. Fourthly, The settling of the succession of the crown. I need mention nothing else contained in this act to shew that we are the only subjects in the world that can boast of freedom and liberty, in case our princes cannot dispense with our laws, as they cannot without our leave, since they are not to give us for the only reason of their kingly actions, *Tel est nostre bon plaisir*, Their good-will and pleasure, as the French king does; for however the French modes have taken with us of late, we could never yet fall in love with so absolute a mode as this. As our kings must act by law and not absolutely, though real kings, they do nothing of moment but by and with the advice of their parliaments: Our happiness then consists in this, that our princes are tied up to the law as well as we, and upon an especial account obliged to keep it up in its full force, because if they destroyed the law, they destroyed at the same time themselves, by overthrowing the very foundation of their kingly grandeur and regal power. So that our government not being arbitrary, but legal, not absolute, but political, our princes can never become arbitrary, absolute, or tyrants, without forfeiting at the same time their royal character, by the breach of the essential conditions of their regal power, which are to act according to the ancient customs and standing laws of the nation. If we are happy upon this account, that our kings can neither suspend nor destroy our laws, we are no less to be envied that our purses are secured from the encroachments of an aspiring covetousness, by that part of this act which tells us, "That levying money for, or to the use of the crown, by pretence of prerogative, without grant of parliament, for longer time, or in other manner than the same is, or shall be granted, is illegal."

XIX. We may easily think our security greater than that of any other nation in Europe, if we reflect but a moment upon this important article, that we are never obliged to open our purses but by the order and consent of our representatives, whom we have trusted with the care of our interest; which being equally theirs at the same time, we have no reason to fear that they ever lay any taxes upon us but when 'tis absolutely necessary for the preservation of our lives, liberties, and religion, as all seeing men confess it to be in the present juncture of our affairs, to prevent the return of popery and arbitrary power. This privilege has made our government to be envied by all our neighbour nations, and the happiest that can be imagined; for there being no surer way for a prince to become absolute, arbitrary, and a tyrant, than to impoverish his subjects to that degree of want and misery, as may force them for subsistence to comply with all his desires, whether just or unjust, he is disabled by this act from doing them any mis-

chief that way; I mean by squeezing the blood out of their veins, that is, the money out of their pockets, for any design he might have of ruling over them as mere slaves. To the want of privilege, we may chiefly ascribe the slavery the French nation groans under, their prince disposing absolutely of their estates at pleasure, and laying such heavy taxes upon his subjects as leave them not money enough to buy leather shoes, instead of which they are forced to make use of wooden ones; so that the French are not so much in the wrong as one would think, when in their flattering panegyricks they style him sometimes their god, since they in a manner are his creatures, whom he creates or destroys by the least word of his mouth; for so absolute his power is, that his will is the only law they can depend upon, insomuch, that when he publisheth his orders for gathering of money, if his subjects cannot supply him otherwise, they must sell their goods, and whatever they have, to give him what he demands; yea, I have known in France poor people sell their beds and lie upon straw, sell their pots, kettles, and all their necessary household goods, to content the unmerciful collectors of the king's taxes. By this little hint we may easily see how much happier we are, as being laden with no burthens but what we are able to bear, and enjoying securely our estates, and whatever we can call our own, under the protection of our laws. Should we then leave any stone unturned to keep ourselves as we are, by opposing to our utmost such a cruel conqueror as the French king would undoubtedly prove, if he ever, to our great misfortune, subdued us?

XX. But let us speak one word to the third thing I mentioned before, that by this act we are to have no standing army in time of peace; the advantage whereof we may easily conceive, if we look a little aside towards our neighbours the French; they suffer patiently in time of war the heaviest taxes, and would not think themselves so much to be pitied, as now they are, if a peace concluded with the enemy bettered their condition, for they are then in a worse condition, in a manner, than they were before, because the standing armies impower their prince to do what he pleases in time of peace; 'tis then that he looks about him, to consider who has got together any considerable treasures, that he may ease them of them, though lawfully gained, and by good services done to the crown, so that it is no wonder if the French subjects chuse at any time war rather than peace, because in time of peace, their king's armies are wholly employed against them, whereas in the time of a settled war, they are partly taken up in opposing a foreign enemy. Let the impartial reader judge from the premises of the happiness of the English subjects, compared with the miserable condition of the French.

XXI. The late parliament has done another thing, without which, notwithstanding all our other advantages contained in this act, our happiness had not been lasting, as it is now like to be for ever; and it is the settling of the succession of the crown upon protestants, and none but protestants; the words of the act are so remarkable, that I think it fit to insert them here, before I give you my reflections upon them.

"Whereas it has been found by sad experience, that it is inconsistent with the safety of this protestant kingdom, to be governed by a popish prince, or by any king or queen marrying a papist, the said lords spiritual and temporal, and commons, do further pray, that it may be enacted, that all, and every person, and persons, that is, or shall be reconciled to, or hold communion with the see or church of Rome, or shall profess the popish religion, or shall marry a papist, shall be excluded, and be for ever uncapable to inherit, possess, or enjoy the crown and government of this realm, and Ireland, and the dominions thereunto belonging, or any part of the same, or to have, use, or exercise any regal power, authority, or jurisdiction within the same; and in all, or every such case, or cases, the people of these realms shall be, and are hereby absolved of their allegiance, and the said crown, and government, shall from time to time descend to, and be enjoyed by such person or persons, being protestants, as should have

inherited and enjoyed the same, in case the same person or persons, so reconciled, holding communion, or professing or marrying as aforesaid, were naturally dead."

XXII. Nothing more certain than what is here asserted, that it is inconsistent with the safety of this protestant kingdom, to be governed by a popish prince, or by any king or queen marrying a papist. If we look back to the public transactions, in the days of King Charles I. we shall soon be convinced of this undeniable truth, since we may derive all our domestic and civil disturbances from his marrying a popish French princess, who at last became so troublesome to him, that he was forced to send home to France again all her attendants, in hopes to bring her to a better temper, by removing from her such popish emissaries, as were thought to put her upon some dangerous designs, which made the nation jealous of her secret intrigues with France; yea, and sometimes of the very king's religion, as if he had been perverted by the queen or her priests, or had shewn himself somewhat too much inclined to the popish way of worship; but whether things were just as the people fancied them, or not, it is certain this unlucky match was the occasion of our civil wars, and of so much bloodshed in these three nations: such another suspicion as this, was the secret spring of all our domestic troubles, during the reign of King Charles II. for though he professed outwardly the protestant religion, yet the people, upon what grounds I know not well, could not be sometimes satisfied, but that he was either a papist, or popishly inclined; and upon this very account, the nation was always apprehensive of French pensioners, of popish plots, of tyranny, and arbitrary power: now such apprehensions and fears could not but be the seed of divisions among us, of heart-burnings, and either of grounded or groundless jealousies, to the endangering the peace and safety of the whole kingdom: so true it is, that it is inconsistent with the safety of this kingdom to be governed by a prince thought to be popishly affected, but sure far more to be governed by a sincere, zealous, and professed papist, as we all know King James gloried to be; how near we were the brink of our ruin during his reign, and how unavoidable our entire ruin was, had he reigned longer over us, is so evident to all seeing men, that I need not enlarge upon the matter here. I shall only add in this place, in order to make out the truth of what is asserted by the late parliament, "that it is inconsistent with the safety of this protestant kingdom to be governed by a papist," that when our prince is a real papist, he is obliged by the principles of his religion, to do his utmost endeavours to submit his subjects to the pope's jurisdiction.

XXIII. First, because he must then of course look upon his subjects as real heretics and schismatics, whom if he do not root out by all possible means, he is liable to be deposed by the pope, according to the famous and known decision of the third council of Lateran; how then can a protestant nation put any trust in such a prince, whose whole business is, and ought to be, to destroy their religion, and force them to return to the old Romish superstitions again? And if subjects cannot trust their sovereign, it is but rational to think they will take all imaginable measures to prevent their own ruin, and that of their religion, always dearer to them, if they have any piety at all, than their very lives; but these very measures, how just soever, must needs breed stirs in a nation, to the general disturbance of the natives; since the politic body, no more than the natural, can be a moment in a quiet temper, without a free and friendly intercourse and communication between the head and the members. Secondly, If a popish prince is obliged in conscience, as I elsewhere intimated he is, neither to stand to his promise, nor word given, to protect heretics and heresy, how can he sincerely promise to maintain and defend our church, or rather how can we be so silly as to believe he will maintain it, since it is not in his power to do it, in case he finds himself in a posture to undertake its ruin? But, thirdly, to be somewhat more particular, the safety of

this nation was inconsistent with the government of the late King James, upon a particular account that I shall here mention.

XXIV. Of all the different persecutions of the church of God, none can be compared to the late persecution of France, both for its cruelty and novelty. The Roman emperors, I confess, exercised all imaginable barbarities upon the bodies of the primitive Christians, but never attempted or pretended any right over their souls and consciences; they banished them, tortured them, invented all sorts of death to destroy them, but the art of dragooning men into religion was reserved to be the contrivance of Lewis XIV. Though he was engaged by the most solemn edicts of Nants and Nisme, and by his coronation oath, to protect and defend the French protestants with all their rights and privileges, had he declared he would suffer no longer the Hugonots in his kingdom, and ordered them upon that account to depart out of it if they could not change their religion, we had not complained so much of his severity, how anti-christian soever; but not to suffer his subjects to leave him, nor to live with him, without turning to his principle, and that not by argument, but by all the wounds the dragooning sword could inflict, that of death only, which in this case was the least, excepted, is such an example of cruelty as is not to be paralleled by the greatest fury of the Roman persecutions; and which, without doubt, contributed not a little to our late happy revolution, by determining the English through an absolute necessity to do what they did for their own safety; for had they not reason to look to themselves, considering the proceedings of the French king, contrary to all his oaths and promises, to maintain, defend, and protect the Hugonots; they could not but know that the late King James was more devoted to the interest of the church of Rome than Lewis XIV. himself; so that they could not in prudence but take the measures they have so successfully taken, for their own preservation, and that of the protestant interest in general. In one word, nothing could be more terrible to the English, who are so much in love with liberty and property, than to see themselves threatened to be dragooned out of both, by the help of such a powerful ally as Lewis XIV. The late parliament then considering the great progress King James had made in a very short time, towards the bringing in of the French method of converting people to popery, and what impressions such a precedent as that of France might make upon a prince, that needeth no spur to the promoting of his own religion, thought it fit, and absolutely necessary, for the safety of the protestant religion, and the peace of this kingdom, to exclude for ever from the imperial throne of England all popish princes; whereby not England only is secured from such troubles as always ensue upon any jealousy between the king and the people from different principles of religion, but likewise all the protestant princes abroad are encouraged to stand their ground against popish invaders, since they may be sure of seasonable succours upon occasion, from the protestant princes of this powerful monarchy.

Though what has been hitherto said does sufficiently justify all the proceedings of the king and late parliament, to the satisfaction of all such as are but impartial men, and not disaffected to the present government, yet, because some men seem discontented at two things not done by the late parliament, and which they think ought not to have been omitted, as being undoubtedly of no small consequence for the public concerns and peace of the nation, it may not be amiss in this place to clear all their scruples upon these two heads, viz. Why the late parliament neither settled the militia of the kingdom, nor passed the act of indemnity, though earnestly pressed to it by the king, in order to the quieting of people's minds. As to what relates to the settling the militia of the kingdom, it is to be considered that how necessary soever it may seem to be, it was neither perhaps possible as then things stood, nor expedient to settle it, by reason of the uncertain and unknown disposition of most men's minds at first, in all

great and sudden revolutions, but more especially in such an extraordinary and unprecedented one as ours was; for since our greatest strength consists in our militia, can any man reverse think or say, 'twas either fit or secure in the then posture of our affairs, to deliver up the very bulwark of the nation into the hands of such high officers, as the lieutenants of the militia are in England, till now is better known to those who were fit for such places were really men of such a temper as the present government might trust to, and rely upon; for extraordinary revolutions of state being much on the nature of the great waters, tossed to and fro by boisterous winds, do always require some time before they are settled again in such a calm, as may encourage both private men to follow their former measures, and likewise those who are at the helm to undertake and prosecute the fittest methods for securing themselves, and the people under their government, from new dangers and storms, always to be feared after a sudden and unexpected calm as ours was; we were under such a dismal cloud of imminent and threatening dangers, a little before the heavens cleared up from the Dutch coast, that we do wonder at this very day to see ourselves escaped such an unavoidable shipwreck, as we thought ourselves then exposed to; but it is not enough that we are got on shore, and a *terra firma* to stand upon, unless, by looking nearer into the matter, we consider seriously with ourselves how to maintain our ground, and settle what we have done upon a sure foundation; for as our late happy revolution was a real one, how odd soever, and unlooked for, so considering how easily men change their resolutions, and because it might be immediately succeeded by an unhappy one after the like manner, it was a piece of great prudence in our late representatives, not to be over hasty in settling the militia of the nation, till both they and the king were thoroughly acquainted with those who were to be trusted with commissions of such an high concern; but it being impossible they should understand their real temper, while all things were so yet on float, no wonder if they deferred the settling of the militia, till the hearts of men were known to be first settled, which time only could inform them of. As to the act of indemnity, it is clear there was little or no inconvenience to defer it for a triple; for since it relates mostly to such as have been guilty of irregularities, and illegal proceedings in the late reign, where is the harm if the government keep them somewhat in awe, by deferring their pardons till more settled times, lest they might prove ringleaders to new changes, if they were not checked by the fear of the punishment their past crimes deserve? For it is a groundless reflection to say, that the not passing of the act of indemnity encourageth them to do their utmost endeavours towards the bringing in of King James again, since it is clear to all men acquainted with the present posture of his majesty's affairs, both at home and abroad, that they must needs despair of ever being secure, if they hope for no security till King James is settled upon his abdicated throne again? And may not I be allowed to say, that to judge of things in court, by the present temper of the nation, they are in no danger at all, or at least not so great as some would have them apprehend it to be, because of the great moderation the government has hitherto shewn, and will undoubtedly shew hereafter, to all such as are willing to comply with the present, that is the protestant interest, in opposition to popery, and the French king's designs against our properties and liberties, if, by the help of the Irish papists and other malcontents, he were enabled to conquer us. But to mention here another pressing particular relating to this subject, since it is well known that, at the sitting down of the late parliament, the king, by the advice, yea, and earnest request too, of our late representatives, entered into a necessary war against France on the one hand, and against the Irish papists in Ireland on the other hand, I would fain know from any not designing man, what was fittest to be done in this case; was the time to be trifled away with the settling of the militia, and passing an act of indemnity before any supplies had been granted his majesty for maintaining this kingdom and his subjects against the formidable French king's fleets at sea, and his Irish

forces at land, commanded by the late King James in Ireland? Sure all men of sense must needs confess, that this principal was first to be minded before any such necessaries, as undoubtedly there were all that juncture of our affairs. Now it is methinks evident, that the offering the shews of great warlike preparations both by sea and by land, then as now so necessary, could not not take up a great deal of time, especially when the money is to be levied in due proportion, upon all the chief subjects of the nation; the necessary debates upon such occasions, about the sum itself to be raised, upon what, and the manner how it is to be gathered, are things of such a nature, as cannot be done on a sudden, whatever men's endeavours may be to bring them in a short time to a period. The late transactions of the last parliament, besides the nature of the thing itself, are evident proofs of what I do here affirm, to all such as understand any thing in affairs of this kind, never done in England, otherwise than by meetings, conferences, committees, debates, votes, and such other like methods used in parliament, upon all matters of a general and national concern. To conclude; notwithstanding all that I have said, grant it was expedient, though I have sufficiently proved it was not, to settle the militia of the kingdom, and pass the act of indemnity before any thing else, these so much-talked-of omissions are both inconsiderable in themselves, since we smart not yet for them, and not at all dangerous in their consequences, which, if really hurtful, may easily be prevented by the next parliament.

A Debate upon the Quære, whether a King elected and declared by the Lords Spiritual and Temporal, and Commons assembled at Westminster, 22d of January, 1688, coming to and consulting with the said Lords and Commons, doth not make as complete a Parliament, and legislative Power and Authority, to all Intents and Purposes, as if the said King should cause a new Summons to be given, and new Elections to be made by Writs.

We have already seen that the turning the convention into a parliament was a point of great interest to King William. In the one case he had around him the friends who had pledged their faith to his fortunes, by the decisive act of declaring him king. On the other alternative he had to risque the dangerous experiment of a new election, in times when the popular humour was extremely mutable. Accordingly it was resolved, that the king should go with the usual forms to the convention, and by opening it with a speech, restore the integrity of the constitution, and pave the way to make them a parliament who had made him a king. The wises, who saw that it was the last great popular point left them to manage, maintained, strenuously, that the king's will was as necessary as the king's presence to make a parliament. The new contract replied, that the essence of a parliament consisted in the solemn meeting and co-operation of king, lords, and commons, and that in the pressing circumstances of the country there was neither necessity nor prudence in dissolving the convention, which fully and regularly represented the nation, upon a mere point of form. The latter opinion prevailed, and a declaratory act was passed, converting the convention into a parliament. The following piece contains the substance of the argument upon which the bill was supported.

THAT the highest and supreme court of this nation (according to its ancient constitution) is the parliament, I need not now labour to make out: the present business being to find out and discover the substantial and real parts of a parliament, for these by-stand we be satisfied touching the question in hand.

A parliament (as Sir Edward Coke in his Jurisdiction of Courts, fol. 1, tells us) consists of the king's majesty, (sitting there as in his politic capacity) and of the three estates of this realm (that is to say,) 1st, the lords spiritual, as archbishops and bishops; 2dly, the lords temporal, as dukes, marquisses, earls, viscounts, and barons; 3dly, the commons of the realm, (that is) knights of shires, citizens, and burgesses.

As to the lords both spiritual and temporal, Sir Edward Coke in the same place tells us, that every one of them being of full age when a parliament is to be held, ought of right to have a writ of summons to come to that parliament. As to the commons, he says, they are respectively elected by the shires or counties, cities and boroughs, by force of the king's writs. Crompton in his Jurisdiction of Courts, fol. 1, says, the high court of parliament is the highest court in England, wherein the king himself sits in person, and comes thither at the beginning of the parliament, and at the end thereof, and at any other time when it pleaseth him during the parliament.

To this court come all the lords of parliament, as well spiritual as temporal, and are severally summoned thither by the king's writ.

There is a writ also sent to every sheriff of England and Wales, to elect knights for parliament, &c. saith that author.

But the lords and commons assembled at Westminster, 22d of January, 88, were not summoned thither by the king's writ, and therefore, as is objected, though the king afterwards comes to them, yet such king, lords, and commons, cannot be a parliament.

In answer to which, and to demonstrate whether upon the king's coming to and consulting with them, the king and them make a parliament, I must premise, that in extraordinary cases, such as of which there is no direct example, we must take our directions from the resolutions and practices in such cases as come nearest and are most like to them; and by consequences from thence make our resolutions, as may be most agreeable to reason.

It is generally admitted, that in an hereditary kingdom, if the king should die without any heir, either lineal or collateral, the crown in that case would devolve, or as it were escheate to the whole people and nation; and that hereupon the estates and representatives of such a nation may dispose of the crown to whom they please, or quite alter and change the government into what form they think fit.

This hath been frequently adjudged and practised, one instance whereof was in the Emperor Charles the Great, who dying without any heir, the kingdoms which were under him did severally chuse themselves kings: France chose Charles the Simple; Italy some chose Berengarius, and some Guido; and the Germans chose Arnolphus Duke of Bavaria, for their emperor. Ferdinand, King of Portugal, dying without lawful heir, the estates of that kingdom assembled themselves at Coimbre, and elected John the late king's bastard for their king, and in their decree of election have it recited, that King Ferdinand died without any lawful issue of kindred, whereby according to the law of nations, it was lawful for them to chuse who they pleased for their king or governor.

In like manner it is where a king doth abandon, forsake, or desert his government by going out of, or dying out of his kingdom without appointing any governor to protect and take care of his people in his absence, whereby the throne is become vacant: in such a case the estates of such a people may appoint another king or governor.

And to come close to our present case, King James the Second, whether out of fear, or for what other reason it is not material, but away he goes, or rather flies, out of his kingdoms, abandons, forsakes, and leaves his people unguarded and undefended, at the mercy of a foreign army, even in the heart of the country; without so much as leaving a guardian or great seal behind him: His great officers and ministers of state flying some one way and some another. What could then be done but what then doned viz. Several of the lords spiritual and temporal, many of the knights, citizens, and burgesses of a former parliament, the aldermen and divers common council of our capital city of London, addressed themselves to his highness the Prince of Orange, desired him to take upon him the administration of public affairs both civil and military, for the preservation of our religion, rights, laws, liberties, and properties, and of the peace of the nation, until the then intended convention of the three estates or great council of the realm; they also desired his highness to send letters subscribed by himself, to the lords spiritual and temporal, that were protestants, to meet on the said 22d of January, at Westminster, the summons to parliament being always omitted to known popish lords since the test-act. And they desired his highness to send the like letters to the several shires, counties, universities, cities, boroughs, and cinque ports of the nation, for electing of such number of persons to represent them, and to meet on the said 22d of January, for the purposes aforesaid, as of right were to be sent to parliament, with directions that such elections should be made by such persons only as according to the ancient custom and laws of right, ought to chuse members for parliament: And accordingly such letters were sent, and due notice given, and elections accordingly were made, and the said lords spiritual and temporal, and the knights, citizens, and burgesses so elected met on the said 22d of January: And after mature and deliberate consideration they resolved, "That the Prince and Princess of Orange should be king and queen of England, &c. for their natural lives and life of the longer liver of them, and that the sole and full exercise of the regal power be in the prince only, in the name of both."

Now after the Prince and Princess of Orange are proclaimed King and Queen of England as aforesaid, and he comes and consults with the three estates so assembled, I would fain know what is wanting in that assembly to make them a full and complete parliament; or what can be had more than is in this convention of king, lords, and commons, if the said king should issue out writs for calling a new parliament? Certainly nothing more can be had material to the essence of a parliament.

If the substantial parts of a parliament be, and consist of an assembly or convention, or meeting together of the king and the three estates, as I have shewed that it is out of the best authorities we have, the difference of the lords and commons being called by sale or by letter, is nothing material, since both writ and letter are to the same effect; and in some ancient records it is mentioned that parliaments should be summoned by letters, particularly in King John's great charter in the 17th year of his reign, he promises to summon the bishops, abbots, earls, &c. *per literas nostras*, by our letters. *Orig. Jud.* 17.

The Prince of Orange's not being king at the time of his sending forth his letters matters not, for he was the person to whom the administration of the government was then committed.

It is evident, that in many parliaments it was not so material how the king, lords, and commons came together, as that they were together.

I dare appeal to any man, if the manner of calling together the three estates of the realm by the Prince of Orange's letters was not a much fairer proceeding, considering the state of affairs, as to the calling of them together, than was in several cases when in they were never doubted to be a parliament when joined with a king. I shall instance only a few of many that might be named.

Edward the Second being imprisoned by his queen, son, and nobles, they issue forth writs in the imprisoned king's name to summon the lords, and to chuse knights, citizens, and burgesses to meet at Westminster, 16th of Jan. 1325. This, one would think, was pretty hard, and an absolute force upon the king by making use of his name against his will, so that it could not be said to be his act; yet the lords and commons being met, they deposed Edward the Second, and declared his son Edward king, and this new king, and the lords and commons, so (as I may say) irregularly convened together, made several acts of parliament, and have been ever since adjudged a good parliament to all intents and purposes without any subsequent act of confirmation.

In like manner Rich. II. being taken prisoner by Henry Duke of Lancaster, the duke issues forth writs in the king's name (the king then in prison) to summon the lords, and to elect representatives for the people, to meet at Westminster 13th of Sept. 1399. These being met by this irregular summons, they depose Richard II., and declare the Duke of Lancaster king; and that the new king, and the lords and commons so irregularly convened, being joined together, were and are to this day adjudged, deemed, and taken to be a good parliament to all intents and purposes, without any act of confirmation by any subsequent parliament.

The lords and commons assembled at Westminster, 25th of April, 1660, were convened by writs in the name of the Keepers of the Liberty of England, who were usurpers; yet when King Charles the Second came to them, and they received him as king, he and they together were adjudged a parliament, and they enacted that they should be so taken, and they made many laws, which immediately were put in execution; and they continued as a parliament until 29th of December following, which was for above eight months; but, indeed, most or all those acts were afterwards confirmed by a subsequent parliament convened by the king's writs in May 1661; but that confirmation, according to many good judgments, was rather to satisfy some scrupulosity than out of necessity, most of the said acts having in great measure had their effects before the subsequent confirming parliament began.

If upon the Prince of Orange's being declared and proclaimed king he comes to the convention of lords and commons assembled at Westminster; if the same number of lords be summoned thither that of right ought to be summoned to parliament; if the same number of knights, citizens, and burgesses, be duly chosen as ought to be chosen to represent in parliament, then consequently there are all the substantial and essential parts of a parliament met together, and being so, where's the necessity, where's the advantage, where's the prudence, to dissolve these, and thereby give new trouble of new summons, of new elections, lose a great deal of time, suffer irrecoverable loss and damage to Ireland and our allies abroad, and, after all, at the next meeting, be but where we now are as to the essential parts of a parliament, there being nothing more to be had at any other time but what we have already.

I can see no material difference as to the making of a parliament, whether the king come to the lords and commons being assembled together and join with them, or the king, by his writ or letters, call them to him; and therefore I conclude, if the Prince of Orange, after he is declared and proclaimed king, doth come to the lords and commons now assembled at Westminster and advise with them, in that instant that the king so comes and advises with them, they will be as good a parliament as if he should issue out new writs of summons, and they should meet again by force thereof.

A Relation of the tragical End of some Persons of Quality at Paris, who, on the 8th of this instant August, 1689, suffered for their witty Zeal the severe Revenge of Lewis the most Christian King.

This piece was doubtless intended to excite the horror of the English people for the sanguinary and tyrannical proceedings of Louis XIV. Anderton the printer, however, who was executed upon slight evidence for printing treasonable libels, and calling King William III. "Hooknose," forms, at least, one example that the hand of the King of England was not much lighter in such cases than that of his most Christian Majesty.

About the latter end of the last month, three persons of quality were seized and committed to prison at Paris, for a bold attempt upon the glory of Lewis the Great, the French king, especially at such a ticklish juncture of time as this is, when prophetic hints are very ungrateful, now his ambitious designs seem to incline to a period.

They were the Baron of Killingsang, a German, with the Marquis de Pissentieux and Monsieur de Feuillages, both Frenchmen; and their crime no less than the pasquinading the king out of his title to his crown, by comparing him with two other competitors. The pasquil was in two languages, French and Latin, which, for the satisfaction of the English reader, is now by an ingenious pen translated into the third, all which are here subjoined.

For the unpardonable offence of being the authors, and of having affixed this satire upon the French king's statue, erected by the Duke de Feuillade in the Place des Victoires at Paris, the three gentlemen were shortly after brought to a trial, and after a most severe enquiry and examination, by way of most exquisite torture, two of them, to wit, the Marquis de Pissentieux and the Baron of Killangsang, were convicted and sentenced to death, the third being acquitted for want of the least proof, which in that case would have been sufficient.

According to the sentence pronounced against these two unfortunate, though well-meaning gentlemen, they were on the 8th of this instant August hanged in the place where they had affronted the king in his statue, and afterwards quartered, their quarters being ordered to be publickly exposed a fortnight to the view of the people in the avenues of the place, which is a spectacle so nauseous, that 'tis supposed few will be invited to gaze at it.

The Pasquil in French.

Louis, Jacques, et Guillaume
Sont trois rois du même royaume ;
Mais avec cette diversité,
Jacques ne l'a jamais été,
Louis en est toujours le maître,
Guillaume le pourra bien être.

Latin.

Tres modo Francorum ostentant insignia reges,
Verus adhuc Princeps Ludovicus; túque Jacobe,
Qui nunquam fueras nisi solo nomine; sed re
Wilhelmus tandem, ni fallant fata, futurus.

English.

France totters under these three royal names,
Great Lewis, greater William, little James.
Lewis still braves it, the possessing king,
James only can an empty title sing,
For William fate reserves both name and thing.

The Translator's Descant.

How equally foolish are titles and things,
Our James has three kingdoms, and France has three kings.
The good people of France want freedom and bread,
And James his three kingdoms are dropt from his head.
Then he's surely happy, who truly can say,
I've no kingdom to govern, no king to obey.

Some short Considerations relating to the settling of the Government, humbly offered to the Lords and Commons of England now assembled at Westminster, 1689.

——— *Post est Occasio Calva.*

This author chalks out for the convention pretty much the line of conduct which they followed, excepting that he recommends the placing the crown on the head of William alone during his life. That this was William's wish cannot be disputed, and Bentinck pressed upon Bishop Burnet all the arguments arising from the superiority of the husband over the wife, and the various dangers of divided authority. But his English adherents resisted the proposal to a man, and one of the most zealous, William Herbert, though ill of the gout, started from his bed at the proposal of making the prince sole king, and vowed if he had thought him capable of such unjust ambition he would never have drawn sword in his cause. So the prince saw himself compelled to accept a joint sovereignty, which, however, vested in his own hands the whole administration.

My Lords and Gentlemen,

You are assembled upon matters of the highest importance to England and all Christendom, and the result of your thoughts in this convention will make a numerous posterity happy or miserable. If, therefore, I have met with any thing that I think worthy of your consideration, I should think myself wanting in that duty which I owe to

my country and mankind, if I should not lay it before you. If there be (as some say) certain lineaments in the face of truth with which one cannot be deceived, because they are not to be counterfeited, I hope the considerations which I presume to offer you will meet with your approbation: That bringing back our constitution to its first and purest original, refining it from some gross abuses, and supplying its defects, you may be the joy of the present age, and the glory of posterity.

First, 'Tis necessary to distinguish between power itself, the designation of the persons governing, and the form of government: for,

1. All power is from God, as the fountain and original.

2. The designation of the persons, and the form of government, is either, first, immediately from God, as in the case of Saul and David, and the government of the Jews; or, secondly, from the community chusing some form of government, and subjecting themselves to it. But it must be noted, that though Saul and David had a divine designation, yet the people assembled, and in a general assembly, by their votes, freely chose them; which proves that there can be no orderly or lasting government without consent of the people tacit or expressed; and God himself would not put men under a governor without their consent. And in case of a conquest, the people may be called prisoners or slaves, (which is a state contrary to the nature of man,) but they cannot be properly subjects till their wills be brought to submit to the government; so that conquest may make way for government, but it cannot constitute it.

Secondly, There is a supreme power in every community, essential to it and inseparable from it, by which, if it be not limited immediately by God, it can form itself into any kind of government. And in some extraordinary occasions, when the safety and peace of the publick necessarily require it, can supply the defects, reform the abuses, and re-establish the true fundamentals of the government, by purging, refining, and bringing things back to their first original: which power may be called, The supreme power real.

Thirdly, When the community has made choice of some form of government, and subjected themselves to it, having invested some person or persons with the supreme power, the power in those persons may be called, The supreme power personal.

Fourthly, If this form be a mixed government of monarchy, aristocracy, and democracy, and, for the easy execution of the laws, the executive power be lodged in a single person, he has a supreme power personal, *quoad hoc*.

Fifthly, The supreme power personal of England is in king, lords, and commons; and so it was in effect agreed to by King Charles the First in his answer to the nineteen propositions, and resolved by the convention of lords and commons in the year 1660. And note, that the acts of that convention, though never confirmed by parliament, have been taken for law, and particularly by the Lord Chief Justice Hales.

Sixthly, The supreme power personal of England fails three ways:—

1. It is dissolved; for two essential parts fail. 1. A king. 2. A house of commons, which cannot be called according to the constitution, the king being gone, and the freedom of election being destroyed by the king's encroachments.

2. The king has forfeited his power several ways. Subjection to the Bishop of Rome is the subjection against which our laws cry loudest: and even Barclay (that monarchical politician) acknowledges, "That if a king alienate his kingdom, or subject it to another, he forfeits it." And Grotius asserts, "That if a king really attempt to deliver up, or subject his kingdom, he may be therein resisted; and that, if the king have part of the supreme power, and the people or senate the other part, the king invading that part which is not his, a just force may be opposed, and he may lose his part of the empire."—*Grotius de Bello, &c. cap.* 72. But that the king has subjected the kingdom to the pope, needs no proof; that he has usurped an absolute power superior to all

laws, made the people's share in the legislative power impertinent and useless, and thereby invaded their just rights, none can deny. It were in vain to multiply instances of his forfeitures; and, if we consider the power exercised by him of late, it will most evidently appear to all who understand the English constitution, that it admits of no such king, nor any such power.

3. The king has deserted,

1. By incapacitating himself by a religion inconsistent with the fundamentals of our government.

2. By forsaking the power the constitution allowed him, and usurping a foreign one: so that though the person remained, the king was gone long ago.

3. By personal withdrawing.

Seventhly, The supreme power real remains in the community, and they may act by their original power; and though every particular person is, notwithstanding such dissolution, forfeiture, or desertion, subject to the laws which were made by the supreme power personal when in being, yet the community's power is not bound by them, but is paramount all laws made by the supreme power personal; and has a full right to take such measures for settling the government as they shall think most sure and effectual for the lasting security and peace of the nation. For we must note, that it was the community of England which first gave being to both king and parliament, and to all the other parts of our constitution.

Eighthly, The most renowned politician observes, that those kingdoms and republics subsist longest, that are often renewed, or brought back to their first beginnings; which is an observation of self-evident truth, and implies, that the supreme power real has a right to renew or bring back. And the most ingenious Lawson observes (in his *Politica*,) That the community of England, in the late times, had the greatest advantage that they or their ancestors had had for many ages for this purpose, though God hid it from their eyes: but the wonderful concurrence of such a series of providences, as we now see and admire, gives ground to hope that the veil is removed, and the nation will now see the things that concern their peace.

Ninthly, The acts done and executed by the supreme power personal (when in being) have so modelled the parts and persons of the community, that the original constitution is the best, justest, and the most desirable. The royal family affords a person that both heaven and earth point out for king; there are lords, whose nobility is not affected by the dissolution of the government, and are the subject matter of a House of Lords; and there are places, which by custom or charter have right to choose representatives of the commons.

Tenthly, There are inextricable difficulties in all other methods. For,

1. There is no demise of the king, neither civil nor natural.

2. There is consequently no descent.

3. The community only has a right to take advantage of the king's forfeiture or desertion.

4. Whatever other power may be imagined in the two houses, as houses of parliament, it cannot justify itself to the reason of any, who understand the bottom of our constitution.

5. By this method all popish successors may be excluded, and the government secured, in case all the protestants of the family die without issue; and this by the very constitution of England. And the question can never arise about the force or the lawfulness of a bill of exclusion.

6. The convention will not be obliged to take oaths, &c.

Eleventhly, If these things be granted, and the community be at liberty to act as above, it will certainly be most adviseable, not only for the security and welfare of the nation, but (if rightly understood) for the interest of their royal highnesses, to limit

the crown as follows:—To the Prince of Orange during his life (yet with all possible honour and respect to the princess, whose interests and inclinations are inseparably the same with his) remainder to the Princess of Orange, and the heirs of her body; remainder to the Princess of Denmark, and the heirs of her body; remainder to the heirs of the body of the Prince of Orange; remainder as an act of parliament shall appoint.

This will have these conveniences among others,

1. Husband and wife are but one person in law, and her husband's honour is hers.

2. It puts the present kingly power into the best hand in the world, which (without flattery) is agreed on by all men.

3. It asserts the abovesaid power in the community.

4. It will be some acknowledgment to the prince for what he has done for the nation: and it is worthy observation, that before the theocracy of the Jews ceased, the manner of the divine designation of their judges was by God's giving the people some deliverance by the hand of the person to whose government they ought to submit; and this even in that time of extraordinary revelations. Thus Othniel, Gideon, Jephthah, Sampson, and others, were invested by heaven with the supreme authority; and though Joshua had an immediate command from God to succeed Moses, and an anointing to that purpose by the laying on of Moses's hands, yet the foundation of the people's submission to him was laid in Jordan. And I challenge the best historians to give an instance (since that theocracy ceased) of a designation of any person to any government, more visibly divine than that which we now admire. If the hand of Providence (miraculously and timely disposing natural things, in every circumstance to the best advantage) should have any influence upon men's minds, most certainly we ought not here to be insensible; if the voice of the people be the voice of God, it never spoke louder. If a nation of various opinions, interests, and factions, from a turbulent and fluctuating state, falls into a serene and quiet calm, and men's minds are strangely united on a sudden, it shews from whence they are influenced. In a word, if the hand of God is to be seen in human affairs, and his voice to be heard upon earth, we cannot any where (since the ceasing of miracles) find a clearer and more remarkable instance, than is to be observed in the present revolution. If one examines the posture of foreign affairs, making way for the prince's expedition by some sudden events and occurrences, which no human wisdom or power could have brought about; if one observes that divine influence which has directed all his counsels, and crowned his undertakings, notwithstanding such innumerable dangers and difficulties, with constant honour and success; if one considers how happily and wonderfully both persons and things are changed in a little time, and without blood; it looks like so many marks of God's favour, by which he thinks fit to point him out to us in this extraordinary conjuncture.

I will trouble you but with one consideration more; which is, that the two things most necessary in this affair, are unanimity and dispatch; for without both of these, your counsels will have little effect. In most things it is good to be long in resolving; but in some, it is fatal not to conclude immediately. And presence of mind is as great a virtue, as rashness is a vice. For the turns of fortune are sometimes so quick, that if advantage be not taken in the critical hour, it is for ever lost. But, I hope, your lordships and all those gentlemen who compose this august assembly, will proceed with so much zeal and harmony, that the result of our present consultations may be a lasting and grateful monument to posterity, of your integrity, courage, and conduct.

An Argument for Self-Defence, written about the Year 1687, *never before published, and now offered to the Consideration of the Gentlemen of the Middle-Temple.*

This argument seems to have been published after the Revolution, to reconcile the minds of the timid and wavering to the steps which had been taken at that important crisis. The ghost of passive obedience had already begun to haunt the consciences of both clergy and laity, and the author endeavours to appease their remorse with the best of his skill.

Gentlemen,

You are busy at present inquiring whether any manner of resistance to the supreme magistrate is lawful, which will excuse me in publishing the remains of a manuscript discourse of a worthy person deceased; but be that as it will, you have it as I find it; only pardon the publisher, if, where the copy is torn or defaced, he leaves you in the dark to question the author's meaning.

An Argument for Self-defence.

'Tis a fundamental law of nature, and universal rule of justice, that man should be free from injuries and violence. This freedom extends not only to his life and limbs, but to his possessions also, which are a part of him, and so necessary to him, that take away those and you rob him, if not of life itself, at least of those enjoyments which make it considerable or desirable. But so depraved is human nature, and so apt are avarice and ambition to make men forget the obligations they lie under to one another, that 'tis to little purpose he has a right to this freedom, unless he has it in his power to preserve it, and punish the infringers of it. God has therefore made it the duty and privilege of every man to defend himself from unjust force, and to take reparation for the injury done him.[1]

This, before the forms of government were fixed in the world, or laws invented to be the rule of life, before justice was distributed by one common person, to whom all might appeal for redress, could be no otherwise than every one judging of the danger or injury, and opposing force to force, to prevent the one, or repair the other. Such a state of equality I call a state of nature, which had abundance of inconveniences: For self-love is apt to make us partial where we are allowed to be judges in our own case; and if the sentence shall happen to be equitable, perhaps the injured party is too weak to resist his oppressor, so that the innocent may often suffer; or if a man be in some measure guilty, be punished beyond the nature of his crime, and the mighty triumph in impunity: it was therefore necessary to fix on some standing rules, which should be the measure of right and wrong between man and man: These we call laws; hence we see that

[1] Dr and Student, cap. 2. Of the Law of Nature.—*Orig. Note.*

Laws were ordained by the general consent, and for the public good, which are so far from infringing natural liberty, that they are the only means to enlarge and preserve it; for liberty is to be free from violence and oppression. But,[1]

Laws being for the better governing human societies are to no purpose, unless duly executed, which made it necessary that there should be some person or persons with sufficient authority to that end; and this could not be but by entering into societies, in which every individual gave up his natural right of judging for himself, and of using force to defend his person and goods, and consented to submit to the decision of the laws, and common justice, administered by one or more persons appointed for that end by the whole, and for the same end armed with the force of the whole society. And hence came political power to be vested in the magistrate, who is sepreme to a particular purpose, viz. The public good, by putting the laws, which are the public voice, in execution.[2]

People then entering into society, the better to be preserved in their lives and properties, must be subject to the laws of the society by which they are protected: And hence it is that it is not lawful for any one under civil government to take upon him to judge for himself, or to do himself justice on the offender, because there are known laws and equal judges, to which he may appeal. Now this disability, or rather right of appeal, being introduced for the good of every individual, and by universal consent, shall never be extended to the prejudice of any one, when he can't have the advantage is designed him by it. And therefore,

Every one under civil government may do what would have been lawful for him in a state of nature, in such cases where he can't have the benefit of an appeal to the laws of the commonwealth he is under. By a state of nature, I mean such a state of equality where there is no superior power on earth, to which a man on any injury received or threatened may have recourse for relief; and therefore where two men are without this common judge, they are with respect to another in a state of nature. Now, let it be observed, that though I am in a country where there are laws and judges, yet if I am by violence put out of a capacity of taking the benefit of them, it is the same to me as if there were none at all. As for instance,

The law says, That whosoever kills another with malice, without provocation willingly, is guilty of murder, and shall die for it; the same law for very good reasons says further, That the murderer shall be put to death according to law, in a manner and by persons appointed by it, and that if any one do it otherwise, he too is guilty of murder: Certainly this is better than the state of nature punishments, which give way too much to malice and revenge. But if a villain puts a dagger to my throat, or assaults me in so violent a manner, that flying would inevitably be my death, in this case I am excused in killing him in my own defence; for I can't appeal to the law, my life is in extreme danger, and the injury designed is irreparable; I am therefore called down to the exercise of an ancient power, which I parted with on no other terms but for my better preservation.

[1] Sanderson de obligatione conscientiæ, 103. Leges nulla alia ex causa nos tenent quam quod judicio populi receptæ sunt. Idem p. 132. Civilis autem regiminis eiusque quæ ipsi debita obedientiæ finis est humanæ societatis salus et tranquilitas. Cicero de leg. l. 2. Constat profecto ad salutem civium civitatumque incolumitatem vitamque hominum quietam et beatam inventas esse leges. Ex quo intelligi par est eos qui perniciosa et injusta jussa populis descripserint cum contra fecerint quam policiti professique sint quidvis satius tulisse quam leges.

[2] Fortescue de laudibus leg. Angliæ, cap. 13. et 14. Le Mirror, cap. 1. s. 2. *They (that is, the Saxons in England) after great wars and troubles which they had been under a long time, chose 'em a king to reign over them, or to govern the people of God, and to preserve their persons and goods by the rules of justice. And, cap. 5. s. 1. The principal abuse is that the king is* oustre le ley, *whereas he ought to be subject to it, as is said in his oath.* Cicero de leg. l. 3. Magistratis hanc esse vim ut præsit præscribatque recta utilia et conjuncta cum legibus, ut enim magistratibus leges ita populo præsunt magistratus.—Du Hamele Tract. de Philosophia Moral. Dissert. de Justitia.—Deinde ne imbecilliores prædæ essent validioribus, quam quisque habuit vindicandi facultatem in multitudinem aut potius in eum qui præesset transtulit, uti ille provideret ne cujusque jus violaretur. —*Orig. Notes.*

Civil laws then never did wholly take away the right of self-defence between equals, which God and Nature have intrusted every man with. I say equals, for I am coming to that self-defence which respects the supreme magistrate.

And now by self-defence I would not be thought to mean a bare running from the stroke, avoiding the blow, but doing whatsoever is necessary to preserve my own life or property from unlawful violence. This every one knows when we talk of giving back to the wall, and then drawing on the assailant; now as far as a man can go with safety is to the wall, and if the assault be so violent that 'tis dangerous to retire, I am at the wall already: In short, I mean active resistance, when 'tis absolutely necessary to save my own life; and I dare say nobody denies what has been said as to resistance between equals; but the difficulty with some is how this is applicable to resistance of the supreme magistrate in the excesses of power; but it will appear if we remember, that

The state of nature is a state of perfect equality, none claiming dominion over another, and so is opposed to a state of laws; from whence it follows that nobody has a right to a political power over another, but as he is a member of civil society, and so subject to and protected by the laws of it, the due execution of which this superior is intrusted with for good of the whole, and as far as is consistent with that, the preservation of every individual.[1]

Now if a magistrate be supreme only by virtue of the laws, (which are the only standing voices of the society,) it will follow that in all cases where the laws don't interpose, he is a private man, and we are equal. To apply this to an instance like the former: The prince without any cause assaults me in so violent a manner, that 'tis impossible for me to defend my life without returning the same violence, what shall I do? I can have no benefit of those good laws which he is to execute, or that equal justice he is to distribute, and for that end only is put above me, (for it can't be to my prejudice,) if therefore these don't interpose to save me from unlawful violence, which was the sole end of them, 'tis absurd to imagine they shall to my inevitable destruction, which they would did they make it treason or rebellion, unlawful to resist him in this case; and where the laws don't interpose, we are equal.

Being equal then, and he the aggressor, if I can't otherwise save my own life than by taking away his, ——————————————————————————————[2] it may be said perhaps, No, you must not kill him, for his death would be a public loss, and therefore far beyond any injury he can offer a single person. For this time I'll say, that if he so far abandons himself to all that is bad, as to kill a subject (who certainly was not born for his diversion) in cold blood, there will be no great loss to the public in his death. But it seems this is not the case, the prince must not be supposed so barbarous as to attempt to murder a man; yet since he is but a man of like infirmities, and one that is told he ought to act without controul, and that but to question his proceedings is little better than blasphemy, (a learned king's words,) we must allow 'tis possible. However,

There are other instances in which 'tis possible for a king to betray his trust, endeavouring to subvert and extirpate the laws and liberties of his people, by assuming and exercising a power of dispensing with the laws he is to govern by, and making use of the force of the community in standing armies, against the liberty of the subject, to back his own arbitrary proceedings; and if this happens to be the case, how much more justifiable is resistance in the whole body of the people, so as to preserve themselves

[1] Fortescue de Laud. Leg. c. 13. ad tutelam namque legis subditorum ac eorum corporum et bonorum Rex hujusmodi erectus est et ad hoc, potestatem a populo effluxam ipse habet quo ei non licet potestate alia suo populo dominari.

[2] Here seems to be some lines wanting.—*Orig. Notes.*

from ruin, than in one single person, whose particular wrongs may never affect the whole?[1]

Nobody doubts but the general good is to be preferred by the public to any private man's advantage; and therefore more caution used to prevent public calamities than private injuries. It follows then, that if it be lawful for a single man to resist unlawful force with force, when his life is in danger, 'tis much more so for the whole body, or the majority of the people, when their laws are cancelled or in apparent danger of it; and consequently their estates, lives, liberties, and all that is valuable in this world, subjected to the arbitrary decrees of one person, armed with the force of the society, and generally supported by all the arts of learning and religion. But the better to set out the heinousness of his crime, and the mighty danger of such practices, 'tis best to take a survey of the benefits men receive from good laws, and the misery that would follow on a dissolution of 'em.

And now methinks there should be no difficulty in convincing the unprejudiced, that for this very inconvenience, viz. the want of law, mankind weary of the state of nature, where the weak were in continual danger of the strong; he still insulting the weak, in danger himself of a stronger neighbour, quickly came into societies, and were content to be subject to the laws by which they were protected.[2]

And if this be the end of laws, he that destroys those brings us back again to a state of nature, with this only difference, that whereas then men were in danger of one another, but not without hopes of remedy, since 'twas the duty and interest of every one to assist the injured party against his oppressor, now they are all subject to one man, who, according to the doctrine of unlimited passive obedience, is to act without restraint, whatever mischief he may design. But to be better satisfied, that the happiness of one people becomes the envy of their neighbours; from this difference, that one has good laws duly executed, the other none at all, or at least subject to the prince's pleasure; why are we here in England in a better condition than the subjects of France or Denmark? I'm sure we think ourselves so, and are apt to be proud of it,[3] and our English liberty; if any one is of another mind, 'tis a thousand pities he had not his heart's desire, and a pair of wooden shoes there. We here enjoy the fruits of our honest industry, every one under his vine and fig-tree, solicitous for nothing but the happiness of her that derives these blessings on us. In short, if peace and quietness be the effect of good laws, and a just temperament of power; if success abroad and liberty at home be owing to a happy administration; what dismal consequences has he to answer for, that by destroying all order and rule does what in him lies to let loose the reverse of all these blessings on a nation over which he was set for their good? *Merito beneficium legis amittit qui legem ipsam subvertere intendit.*

Obj. To this it will be objected, that indeed all these advantages you have been talking of are owing to a good government, and great is that prince's crime that endeavours to rob you of 'em; but for it he is accountable to none but God; and that the subject ought rather to endure all this and more, that disobey God's command, Resist not.

I suppose they mean that the magistrate is supreme on earth, and therefore accountable to none but God. In answer to this I beg leave to say, where a power is given to any man with a trust to the attaining any end, if that end be not pursued, and so the trust broken, the power ceases; therefore, if the supreme power was lodged in the

[1] If the author had been so happy as to have lived to the Revolution, he would have seen this in other words in the Claim of Rights, 1 W. and M. 2 ss. c. 2.

[2] Fort. de Laud. Leg. c. 4. Non alio pacto gens aliqua proprio arbitrio unquam se in regnum corporavit, nisi ut per hoc se et sua quorum dispendia formidabat, tutius quam antea possiderent.

[3] Fortescue, cap. 35 and 36. The Comparison.—*Orig. Notes.*

magistrate, in order to the well-governing the people committed to his charge, if that end be not answered, but on the contrary, the people are made a prey to his unbounded dominion, their lives and fortunes depending on his caprice and humour, his power thus abused ceases, and he becomes a private man; and resisting him (which here is but self-defence) can never be resisting the ordinance of God, since that is resisting the power, not the person in the abuse of it.[1]

It would be little less than blasphemy to say that God ever set one man over millions for their destruction, or that in this sense power is the ordinance of God; it must be then for their good. Indeed, for the sins of a people he has suffered a prevailing conqueror to carry 'em captive, or to oppress 'em in their own country; thus he sold his people the Israelites into the hands of Chusanrishathaim and of Jobin; he strengthened Eglon against them, delivered them into the hands of Midian; but still left a right in them to use all the means they were able to get out of their bondage, which because they could not be effectual without his concurrence, (as no human endeavours can,) he is said to deliver 'em again, but 'twas still in a way of resistance, Judges 3, 4, 6. 2 Kings xviii. v. 7. "And the Lord was with him, and he prospered wheresoever he went forth; and he rebelled against the King of Assyria, and served him not."

Obj. But it will be further objected, that though the magistrate exceed the bounds of his commission, and that in those instances he can't be said to act by it, and so not supreme, yet in other cases he is supreme still, and therefore in no wise to be resisted, since any resistance will affect his whole power.

To this I say, that if it be true, then resistance in the first case, where the magistrate puts a dagger to my breast, would be unlawful; for that would effectually divest him of his whole power: Besides, let it be observed, that the lawfulness of resistance is laid down only on a supposition that the laws are cancelled, and the course of justice hindered by force; and if that happens, I see no reason why the prince shall destroy one part of the laws that relate to the subjects liberty, &c. and take advantage of another part which makes him supreme, when he is supreme only the better to preserve the subjects liberty, by putting the beneficial laws in execution.

I confess I have in this argument made use of a supposition, that there was once a time when there was no government in the world, and that men chose themselves governors, and came out of the state of nature the better to live together, and preserve their lives and properties. Indeed, I know no great necessity of this hypothesis, for whencesoever power be derived, be it from the consent of men or God's appointment, it must be for the public good, which being the end of it, whoever, let him come by it as you please, abuses it to another and contrary end, forfeits it. As for God's designation, if it be lawful to resist a tyrant that was set over a people for a scourge to 'em, and that was the sole end of his promotion; (as by the places cited out of the scripture it appears it was,) it is much more so when the magistrate was appointed for the good only of the people, and abuses the power he has to their destruction. And no other end can God have in setting one above another, but either to execute his vengeance on a sinful people, or to dispense judgment and justice in the world. However, the supposition of a state of nature, and of the original of government, by the consent of the individuals will not appear so unreasonable, if we consider that there has never been any other satisfactory account given of the beginnings of lawful monarchies, (for

[1] Fortescue de Laud. c. 14. Et ad hoc gravius multo populus talis læderetur si deinde Peregrini legibus etiam ipsis forsan exosis regeretur. Et maxime si legibus illis, (*or any other way the following reason holds good,*) innovaretur substantia pro cujus vitanda jactura ut pro suorum tutelæ corporum ipsi se regis imperio, proprio arbitrio submisserunt; non potuit revera potestas hujusmodi ab ipsis erupisse, et tamen si non ab ipsis Rex hujusmodi super ipsos nullam obtineret potestatem.—*Orig. Note.*

I meddle not with conquest and usurpation;) and unless the first man was immediately monarch of the universe, which will never be made appear, there must have been a time when there was no civil government in the world, and men were at liberty to fix on what form they pleased. I know I ought not to cite any more authorities; but I can't pass by Cicero de Off. l. 2. *Mihi quidem non solum apud Medos sed apud majores nostros justitiæ fruendæ causa videntur olim bene reges morati constituti. Nam cum premeretur inops multitudo ab iis qui majores opes habebant ad virum aliquem confugiebant, virtute præstantem; qui cum prohiberet injuria tenuiores; æquitate constituenda summos cum infimis pari jure retinebat. Eademque constituendarum legum fuit causa, quæ regum. Jus enim semper quæsitum est æquabile, aliter non esset jus. Id si ab uno justo et bono viro consequebantur, eo erant contenti; cum id minus contingeret leges sunt inventæ, quæ cum omnibus semper una atque eadem voce loquerentur. Ergo hoc quidem perspicuum est, eos ad imperandum deligi solitos, quorum de justitia magna esset opinio multitudinis.* I make no remarks on this passage, the reader will be persuaded there needs none.[1]

Obj. To what has been offered for resistance, 'tis urged that it opens a way to rebellion and confusion, and that 'tis better to suffer the greatest tyranny than run into a civil war.

To this I say, admitting my doctrine be true, I am not to answer for the consequences of it, which will not be very fatal, if we consider that there is no hazard in a resistance, unless the majority at least be sensible of the danger they are in, and then no matter how soon 'tis prevented. It can't be said, that by this doctrine if any one thinks himself abused, he will take upon himself to resist; perhaps he has a right to it; but there is no danger that he will, unless he be mad, and desires to be hanged. And for the other objection, that 'twill be a means of bloodshed, that will hold altogether as well if a ruffian assaults me in the highway, or at least in the case of a foreign invasion; yet there 'tis thought better to oppose force to force, than bear all the conqueror can inflict. Now the people's condition of slavery is the same, whether they are subject to the tyranny of a foreigner or their own sovereign, with this only difference, the first is under no obligation to 'em, has broke no trust, as the other has. But if all the fear be of a civil war, and outrages one among another, it may as well be said an usurper must not be opposed if assisted by our own countrymen only, for that might occasion bloodshed and outrages one among another.

I hope nobody will think this argument sufficiently answered by producing the homilies of our church, or the Oxford decree against it; for I must beg him to grant me, that no body of men, however learned or impartial in their search of truth, are infallible; and therefore their bare asserting a thing shall never establish it for a truth never to be disputed. Besides, till I see the practice of the church and university agreeable to those rules, I shall not take much pains to reconcile my doctrine to 'em.

P. S. It may seem unseasonable in me to publish a discourse of this nature at a time when the matter in debate has received the most solemn determination we of this nation ever knew; but I know people will not acquiesce in solemn resolutions, nor do I desire they should, any further than as rules of peace; but I hope those gentlemen who will not allow a parliament to judge for 'em in matters of civil concern, will never trouble us again with general councils, or the power of the church, to decree rites and ceremonies, and its authority in controversies of faith.

[1] This is strengthened by a late discourse of a reverend prelate of our church, I mean the Bishop of Exeter's Accession Sermon of 1705. "The designation and appointment of particular persons to the administration of the government, this is human, and the distribution of the power of government into one or more heads, this likewise is human, this is the ordinance of man only; which could not be unless people were at liberty to fix on what form they pleased, and consequently there had been a time in which no form was fixed on, which I always called a state of nature."—*Orig. Note.*

Reasons why the Rector of P——— took the Oath of Allegiance to King William and Queen Mary.

Whether this grave piece was written in jest, or earnest, it contains the casuistry of many Jacobites. The oaths of allegiance to William and Mary were composed upon a liberal and accommodating principle; being so worded as to leave many a salvo and loop-hole of excuse for those who wished to compound between their interest and their consciences. Sir John Reresby gives us one instance in a dignitary of the church:—"It happened this day that I met with the Bishop of St David's, who asked if I thought he might safely take the oaths of allegiance and supremacy, he being one of the prelates who had hitherto stood out, and were now cited to appear before the House of Lords. I told him it were fittest for me to be advised by him in such a case, and that certainly his own conscience could not but dictate to him right. But I found he was already resolved, and accordingly he went the next day and complied. Meanwhile the archbishop was obstinate in his refusal, and would not so much as repair to the House of Lords, disowning the authority either of the king or parliament."—*Memoirs, p.* 339.

When a man is about to discourse a case of conscience, it's not proper to entertain the reader with compliments, or insinuate into him with slights of eloquence, but to refer his judgment free and unpossessed to the consideration of the strength or weight of his arguments; and, therefore, without any formality or caress bestowed upon him, I fall directly upon the point in question:—

Whether a clergyman, having first taken the oath of allegiance to King James, and afterwards that to King William and Queen Mary, be thereby involved in the guilt of perjury?

In order to the solution of this doubt, I shall slit it into three more:

1. What we were bound to by virtue of the oath of allegiance made to King James?
2. What we are obliged to by the oath given to King William and Queen Mary?
3. Whether the obligation to the first may not be thought to cease or expire before the other was superinduced?

To state the first of these, it will not be necessary to transcribe the whole oath; but 'tis sufficient to single out such passages as are most liable to exception, and seem to contain such matter as we have put ourselves out of all capacity to perform, if we will be sincere and true to the second, and the assurances we have thereby given to the accessors. And, I suppose, these are all from which any objections can be raised.

1. That we will do our endeavour to disclose and make known to his majesty, &c. all treasons and traitorous conspiracies which we shall know or hear of to be against him.

2. That we will defend him to the utmost of our power, against all conspiracies and contempts whatsoever.

3. That we will bear faith and true allegiance to him.

The first, that we will endeavour to disclose, &c. we have not put ourselves out of a capacity to perform; for this cannot be understood of open and avowed wars, or oblige us to take post, and travel sea and land, to let him know that his crown is assumed by another, and that there are mighty preparations to invade that kingdom also which he has made his retreat, when he has already beheld enough with his own eyes, and seen his enemy encamped against him in the open field.

But should I by any accident be made acquainted with any private conspiracy against his person, to poison or assassinate him, or cut him off by any other clandestine or sinister means, there lies no obligation upon me to conceal it. These are wicked and inhuman practices against the laws of arms and nations. [1] *Impia bella suscipitis, et cum arma habeatis, licitamina hostium capita.* And in this case we have not promised to keep counsel: for all obligations to secrecy must be understood with this exception, that the business they impart be no sin to be committed, for that we are bound to reveal that it may be prevented. Upon this principle the oath of allegiance is founded; which could take no hold of a Romish priest, for whom it was chiefly intended, if when he has given his faith to keep the secrets of a penitent, he might not discover a treasonable design. And Garnet's plea should have been admitted, who said, "He durst not inform of the powder-plot, because it was communicated to him under the sacred seal of confession."

2. We promise that we will defend him to the utmost of our power against all conspiracies whatsoever.

As for defending him from all contempts, that is, that we will assert him to be our rightful sovereign prince, not to hold his crown by the favour of the pope, nor to be deposable by him or any other person or power whatsoever. Which does not oblige us to be always arguing and pleading for it, but when it may probably do good; and upon the concurrence of such circumstances, they have expunged all that passage out of the latter oath, that we may not be abridged of that liberty.

And to defend him from all conspiracies, is to watch the motions of all those whom we suspect to be discontented and disaffected to his government, or upon any account to incline to the disturbance of him, or to introduce any other person or power; that we will observe their meetings and cabals, dive as much as we may into the matter of their consults; use all diligence first to inform ourselves, and then the king or his officers, of any plot or practice that we shall learn to be carrying on against him.

And this is all that this particular obliges us to, as may appear, 1. because this is sufficient for him, and his security; and, 2. because we have no power or authority to do more.

1. Because this is sufficient. Let a plot be hatched with never so much subtlety and stratagem; let the confederates be never so numerous and strong; if it come to light before it be put in execution, 'tis, without any difficulty, or any further assistance from us, easily baffled and disappointed. There needs no more than timely detection to save him from any danger or attempt against him. When the prophet had told the King of Israel of the ambush that was laid for him, there was no fear but he might escape it. And then the informer was the real author of that deliverance, and may, without any impropriety of speech, be said to defend him, and be stiled the Saviour of the King and Nation.

2. Private men have no power to do more. Should they arm or associate themselves

[1] Alexander apud Q. Curt. Lib. 4.

without any further order or commission than this oath of allegiance, though with a sincere purpose to prevent, or seize, or disperse the conspirators, they are punishable as traitors themselves.

Nay, to exceed a commission a little in this case, and with good success too, is not without peril of our lives.[2] Upon intimation that some of the principal of those who were engaged in the powder-plot were hovering thereabouts, the sheriff of Worcester raises the power of his country to apprehend them. They fly, and he pursues; but, not able to overtake them till they had escaped beyond the bounds of his province, he still follows them into the frontiers of the next, and there takes them prisoners. But for this good service he was forced to beg pardon, and in rigour of law had forfeited his life for overpassing with his power the borders of his own jurisdiction. For all his oath, the most loyal subject, if but a private person, can do no more with safety for the defence of his king than discover a treason: for that can never be accounted a branch of our duty or allegiance, by the doing of which we incur the pain of death. We never were obliged to more, and this we may still perform.

3. We promise that we will bear faith and true allegiance to him.

For the first, it concerns those who have enjoyed any offices or places of trust under him, who are hereby bound faithfully to discharge the duty and service belonging to them. And such, if they should enter into any new covenant, or promise, to cease or forbear acting according to the tenor of such trust or commission, have no benefit of this apology. In the Poet's[3] Vision of Hell there was one apartment for those, *Quique arma secuti impia, nec veriti Dominorum fallere dextras.* But in relation to others, it signifies no more than truth and sincerity of

Allegiance. And what that imports is the grand question, and supposed to be an insuperable difficulty. The word being a term of art, the just and true value of which to us may not be exactly known; it seems to me reasonable and necessary to refer it to the judgment of those who are versed and learned in it: the lawyers I mean, who, in this case, I esteem the most able casuists, for every man is to be believed and trusted in his own profession, especially when there is little or no difference of opinions amongst the masters or professors of it, but that they go unanimously one way. I could clearly acquiesce in this, without any conflicts; but since others may think it not safe to submit to their authority, I will reason a little about the notion of allegiance.

One grave and pious author sends us much too far in the search, who would have us to seek it among the records of the obsolete Gothic feudal laws, and infers that it must needs signify at this day some active warlike endeavours in behalf of the sovereign; because the tenure of those times was, upon condition that the tenant should attend his lord to the wars, and the security they gave to perform this, was swearing to bear true faith and allegiance to them.

Had there been a controversy about the sense of some record or deed of equal date, there might have been some use of the criticism; but it is not to be allowed in the interpretation of a modern statute. Many strange absurdities would follow, if we were to expound words in present writings, according to their primitive and original use. How ridiculous did this make the Emperor Claudius,[3] when, in a speech and apology which he made to the senate, it appeared, that he took Libertinus for the same man that it signified in the time of Appius Cæcus? *Ignarus temporibus Appii et deinceps aliquandiu, libertinos dictos, non ipsos qui manumitterentur, sed ingenuos ex his procreatos.* He that hears the name of tyrant now, supposes him to be some savage beast or monster rather than a man; a prince that employs all his power to cruelty and oppression, that regards no laws but those of his own lusts, that tramples and insults upon the lives and fortunes of his vassals with pride and pleasure. But time was when it was no scandal

[2] Sanderson de Consc. Præl. 10. [3] Virgil, Æn. 6. [3] Suet. Claud. 24.—*Orig. Notes.*

or reproach, a title becoming the most moderate and indulgent monarch. And by this rule, clemency and tyranny should signify the same thing; which, according to the idiotism of our days, are quite contrary.

But, supposing that the name should, through many successions, adhere to the same thing, there would arise great incongruity betwixt them; because that individual to which it is so inseparably united, would in process of time differ from itself. So that if the same word should be appropriate still to the same thing, yet that, because it undergoes many alterations, transformations, and decays, cannot be rightly apprehended by one unalterable notion. Because the things are subject to so much vicissitude and change, if the words or names continue the same, there must needs be some disproportion. Rome was once a small street of shepherds tents, she grew to be one of the most sumptuous cities in the world, is now much fallen from her magnificence again; yet, in all these variations, she retains the same name. Now, he that should frame to himself an idea of that city, in the case it stands, by the descriptions he meets about the reign of Augustus, would be as much mistaken on one hand, as the swain that measured it by his mantua was on the other. Nothing in this world continues in the same state and posture; but if any thing be more moveable and transient than another, it is the affairs of government, and the terms and forms that depend upon it.

Now, after so many and great revolutions as have happened to the government, and such exchanges and regulations as have been made of the revenue, and other laws relating to the support and maintenance of it, when the tenure itself is extinct, the militia otherwise settled, the knight of the fee by act of parliament excused from going himself in person, it cannot be that allegiance should yet be equivalent to what it was in the reign of King Arthur.

Yea, I must advance further, and affirm that there is no conclusion can be drawn from a word, because there is no necessity that it should be taken in the full latitude of that which was the received sense at the penning of the statute. For every single term does increase, or abate of its natural force, by the structure of a sentence, and the influence of other words that are joined with it. That sentence may be corrected or restrained by other paragraphs or provisos in the same statute; and that statute admit of several limitations from other laws, made before or after it. The author gives some indications that he is a divine, and then he cannot be ignorant, that to make a right and sound interpretation of a text, it is not sufficient to know the etymology of the words, but we must seriously weigh the context, compare it with other places of scripture, and the acknowledged principles of faith; all which were vain and fruitless, if words were to stand inflexible in any certain and natural sense. I hope, therefore, that good man will give me leave to say, that his argument from those barbarous laws is not conclusive.

It will from hence likewise follow, that I need not trace it through all the labyrinths of the law; for I think a few considerations will evince, that the oath of allegiance does not oblige us to any actual military service.

1. We cannot have a judge of more credit or authority in this cause than King James, in whose reign, and for whose security against his subjects of the Romish persuasion, the oath was enjoined. And he in his apology for this oath does often declare, that nothing more is intended by it than bare obedience. And, upon that account, does exaggerate the injustice of the pope, who by his breve forbad the catholicks to take it. And looks upon that as a command to them to rebel, as if there were no medium betwixt that and allegiance; and says, that if they did not design that, they might safely make profession of it.

Nor does the oath seem to be framed for the sake of those that would take it, but to discover those that would not. Rather that such might be excluded from all employments, than that the king should make use of their service. The philosopher says,

it is a foolish thing to capitulate and intreat for that which is in our own power and hands already. Since therefore the king had power before this, when his occasions called, to summon and compel them to go for or with him to the wars, it was altogether superfluous and vain to extort a promise from them to do that which he might assure himself of by more effectual and compendious means. The truth is, that the design and purpose of it was, to take care that none should creep into offices or commands, who, when opportunity offered, might revolt and betray him.

2. It is common to make acts of parliament for the naturalizing of stra gers, after which naturalization they become, to all intents and purposes, as natural born subjects, and owe the same faith and allegiance; yet all foreigners must of necessity be the natural subjects of some other sovereign prince or state. Either therefore the king and the houses deal very strangely, in bestowing that upon them as a favour and privilege, which they know must unavoidably involve them into that black sin of treachery and disloyalty to one of their sovereign lords: or else, allegiance must in their judgments be something payable to two several princes, though they should chance to contend; which can be nothing but neutrality, or non-opposition; for it is impossible he should be active on both sides, unless as a fugitive and deserter: or, if he could, by adhering to their enemies, becomes disloyal and rebellious unto both. Or else, the obligation to his ancient lord must be supposed to cease and expire, upon this new stipulation of his subject.

3. If allegiance did require the bearing of arms, then would it be a capital crime not to accept a commission. Indeed, to decline it in time of danger, may bring upon a man the reproach of a coward, or the suspicion of being ill-affected to his majesty's person or interest; but surely no indictment lies against him for perjury, or attainder for treason, unless under such a tyrant as Domitian, whom Xiphilin reports to have put Herennius Senetio to death, for no other reason, but because after the quæstorship he never sued for any higher office. Upon the news of any navy seen off the coasts, or some insurrection in the bowels of the kingdom, if every man were bound to repair to the camp, or list himself at the first beat of drum, there would be a strange confluence of people, more in danger to be called in question for a riot, than likely to be commended for their loyalty. And if all that are left behind must be accused, traitor will be a title for the most, and wisest, and best men of the nation; and there are none truly loyal, but a few bankrupts, debauchees, ragmen, and the very scum of the rabble.

When a proclamation, in these cases, is issued out, and professes to prescribe and teach us our duty exactly, it requires no more but that we should not aid, or abet; that we should not adhere to, or any way assist the king's enemies, or the like: but never, that we should desert our several vocations; or that the shepherd should leave his sheep in the wilderness, and go down to the battle.

Nay more, he that has been listed and inrolled the king's soldier, that has been in actual service, and afterwards flies from his colours, shall only be prosecuted as a felon, not impeached of treason; nor shall his indictment run, for having done any thing contrary to his allegiance:[1] and if the forsaking of his colours be not the crime, the staying at home is surely less criminal than that.

4. The church of England has been always eminent for the loyalty of her principles. Upon this she justly values herself, and her sons pay her due honour and veneration: For this she creates herself many enemies, who asperse her as a parasite and flatterer of princes. Even they, who are the parties concerned, applaud her for it; and one who professed he would suffer no diminution of his prerogative, gave her this testimony, that she ascribed enough to monarchy. Yet, after all this, have I never found that she carried the point a jot higher than non-resistance.

[1] 7 H. VII. 1.

5. Every law or statute, once enacted or received, must continue in force till it be abrogated or annulled. And therefore all subsequent acts, where there is no clause of repeal, must be understood with submission to those senior laws. And in this statute for the oath of allegiance, there being no syllable to evacuate any ancient laws, it must needs leave us in possession of all our legal privileges. Now, clergymen were exempted from all martial service, both by statute and canon law.

The statute of 19 Henry VII. 1. which did oblige all others (of such estate and tenure) to attend the royal standard, when the king goes to war in person, provides that it shall not extend to any spiritual person.' There were several canons then in force, that forbad them, under heavy censures, the bearing of arms; several constitutions require they should be so abstemious from spilling of blood; that they should not give a vote, nor concur to the sentence that may touch the life or limb of any criminal; much less do they allow that we should become executioners, and imbrue our hands in the blood of rebels in the field: Nay,[2] this seems to be a law of nations, for the heathens always spared their priests, and upon what exigence soever they made new levies, never offered to draw them from the service of their idols. These are fundamental articles in all religions: That the worship of God should be continually attended, that sacrifices and praise should be offered at his altar, without intermission; and that the hands of those who are to officiate at the sacred rites, should be innocent and clean from the blood of all men. Therefore, since there were such laws in being, and this latter statute must be so expounded as not to derogate from them, the oath of allegiance cannot oblige us to handle sword nor spear, or fight in the behalf of an injured and oppressed king.

And, if it do not oblige us to any actual service, there is no clashing of oaths; for it is not impossible to be patient, while the competitors dispute it; nor does it imply any contradiction for Amyclas to sleep in his cottage, while Cæsar and Pompey are ready to join battle, and try for the fortune of the world in the adjacent fields.

But this will be thought to pinch the prerogative too much, and reduce the sovereign into an evil state; to leave him destitute of sufficient means to subdue his rebels, or resist the force of any foreign adversary; and expose his kingdom as an easy prey to any that shall have the courage to invade it.

If this were a necessary consequence I should be ashamed of the premises; but there are provisions enough for the defence of the crown and realm, though these principles were granted to be true. Though there be too many that pretend to the office, and are of late endowed with the liberties and immunities belonging to it, yet all the kingdom does not consist of priests *de jure* or *de facto*. Were all those who are in real orders excused, there would be hands enough found for all the employments and services of war. There are certain standing guards, and a militia settled by law, in the judgment of the great council of the land, sufficient for both the purposes; at least for ordinary occasions. And if any extraordinary require an augmentation and increase of their number, there never wants men enough that are ready to embrace the service. There are always too many in that indigent and necessitous condition, that for protection and present maintenance would be glad of any adventure. There are abundance of idle persons, who, not willing to endure the fatigue of a manual trade, or other corporal labour, will account it a preferment to be attired like gentlemen, and domineer in a country village, though once or twice in a campaign they hazard their lives in a fight. Some out of stoutness of heart are pleased with the sport; they seek occasion to signalize themselves by acts of valour, and to cut out a fortune with their swords; some out of love and loyalty to the prince, and many because they esteem it their own

[1] Apost. Can. 82.

[2] And by the law we cannot be pressed. Origen. cont. Cels. lib. 8.—*Orig. Notes.*

in erest to support the government. For wise men always, and fools when they have paid for their learning, will join together as one man, to repel any that should invade his dominions from abroad, and subdue all those who begin any sedition, or offer to disturb and dissettle his affairs at home. All which mustered together would make a formidable army.

Or, if all these should fall short, he may make up his levies with a press. And then the officers by their oaths, as well as antecedent duty, (and the common soldiers at the peril of death,) must not desert their commanders, (which to men of that quality is a firmer bond than the fear of perjury, or sense of allegiance,) are obliged to be true and faithful, and to stand and fall by him. We also fight with our spiritual weapons, prayers, and tears; with these we assault Heaven, and beseech God Almighty, who is the giver of all victory, to cover the head of his anointed, to defend his person that rules by justice, and prosper his arms that fights in the necessary defence of a righteous cause. Upon these terms the sovereign is as safe as laws, privileges, or human strength can make *him*. And had all men in their several stations thus discharged their duties, I am persuaded that I had never been put to make this apology for a second oath of allegiance.

2. What we did oblige ourselves to by the oath given to King William and Queen Mary.

And because this is contrived in more general terms, and so may seem to be more large and comprehensive than the former, or at least give occasion to more doubts, I think it convenient to enquire, 1. In whose sense it ought to be taken? 2. What that sense of it is?

1. *In whose sense it ought to be taken?* For although it be commonly received as a maxim, and argued from as if it were a principle beyond all dispute, that it ought to be taken, or must oblige us to the sense of the imposer, and the satisfaction that he expects by it, I cannot let it pass without examination. There are two admirable authors that affirm the quite contrary, H. Grot. and Bishop Sanderson.

The first says,[1] *in dubio magis interpretemur contra eum qui legem dedit*, and lib. 3. cap. 20. § 26. *contra venditorem, contra eum qui conditiones elocutus est.* Where there is any doubt it must be construed to the disadvantage of the lawgiver, the seller, or any man who spake or composed the words, or drew up the form of the contract. The bishop says the same,[2] the swearer may take the advantage of an ambiguity, because it behoved the legislature to have taken care that his meaning had been set down in more plain and unexceptionable terms.

The style of an orator (said an eminent one[3]) should be perspicuous and clear; he must make use of common and simple words, dispose them in a natural and easy order, that even the ignorant and unskilful might apprehend him. *Quare non ut intelligere possit, sed ut non possit non intelligere curandum.* He must take care to speak not that the hearers may understand him, but they cannot mistake him.

Much more is it incumbent upon law-makers; and they seem to be conscious of this, when upon all occasions they muster up such a number of synonymous terms, or such as amongst which we can see but small diversity. As in the beginning of the former oath, "I do truly and sincerely acknowledge, profess, testify, and declare." They would not thus abound in words, descend to such minute distinctions, but that they know it to be their duty to exclude all cavils, and prevent every fallacy, to block up the smallest avenue, at which any, though never so subtle, that is not willing to be held, may make his escape; and allow it as an undoubted privilege of the subject to take the utmost inch of that liberty of which they have not plainly debarred them.

[1] Grot. de Jur. Bel. 3. 23. § 12.
[2] Case of Eagag.
[3] Quintil. Inst. 8, 2.—*Orig. Notes.*

To say absolutely that every oath should bind in the sense of the imposer, seems to me most irrational. All words in the world are equivocal, may signify several things; there may be amphibology in every sentence, and the construction of it made several ways, and the imposer may have such flights and fetches as a vulgar simple capacity could not conceive or imagine. When the obvious and appearing sense contains nothing but what is innocent and agreeable, he may have such a reserved and secret meaning as the swearer would abhor, and by no means have digested, if it had been fairly expressed in words at length. And now shall his soul be caught in this snare, and he be perjured if he do not act according to that unknown altitude? This has all the absurdities of an implicit faith, or swearing with an &c. It leaves a man no security of promising any thing, puts a man's conscience into the custody and power of another, who may throw the guilt and sin upon his soul in spite of all the sincerity and innocency of his own intentions.

It would be of as ill consequence to leave this liberty of interpretation entirely to the swearer, who by this help might evacuate the force of all obligations. So that there could be nothing transacted between a governor and his people, but all society must dissolve. And it will be a hard matter to fix and divide the right of interpretation justly and exactly between them. But this I think will not be denied, that it is sufficient to swear in that sense that I believe the imposer did intend, or would be content to be understood in. It is not impossible but there might be amongst them a double meaning; perhaps they might mince the matter, so that the scrupulous might swallow it; and yet wish that it would go down with others in greater goblets. This I take to be certain, that God has given me reason and judgment, and appointed that to be my rule and guide, which can never certainly inform me what are the thoughts and designs of another, or what he may intend and mean; only this I may be sure of, that I am persuaded this is his meaning.

This premised, I declare my firm opinion to have been, that the imposers of this second oath expected nothing that was inconsistent with the former.

1. Because most of them lay under the same obligation to it that we do. And that so many persons of wisdom, integrity, and honour, (though with a mixture of some that perhaps deserve no such character,) should deliberately contrive to perjure themselves first, that so they might ensnare the nation; no reason, no honesty, no charity will permit me to suspect. In scripture we sometimes meet with passages that seem repugnant to common reason and discretion, contrary to the analogy of faith, and to good manners; but when we are satisfied that cannot be the true and genuine meaning, then we admit of any criticism that will reconcile it with all those. Let us deal here with the same candour, and the controversy will be at an end. Resolve that such an honourable assembly could design nothing so grossly wicked, and then there will never want ways and expositions to accommodate the difference between the oaths.

2. There are strong reasons to believe that they want no more in this than the other; for,

1. If he be acknowledged by all the advocates of the cause to be only king *de facto*, why it should include more when referred to him, than it did to the rightful and natural prince, is a riddle, or rather a thing so irrational as nobody can suppose.

2. In the preamble of the act, it is called the oath of allegiance or obedience. And from that, 1. I infer, that by allegiance is meant no more than obedience. 2. I shall prove that this obedience can be no more than passive obedience.

1. I gather from the order of the words, allegiance or obedience, that allegiance is no more than obedience.

The orator[1] does caution his young scholar, *Ne fortiori subjungatur aliquid infirmi-*

[1] Quintil. Inst. 9, 4.—*Orig. Note.*

us, ut sacrilego fur, aut latroni petulans. After he has accused a man of sacrilege, he must not add, or simple theft, or any word that may lessen or extenuate what went before. Nor would only sons of art, but even the rudest ears be sensible of the absurdity, if any man should so speak. The countrymen would be apt to ridicule a judge, that should condemn a prisoner to be hanged or whipt. Who would be so foolish, if he understood the degrees of honour, to direct a letter to Sir Philip Sidney, Esquire? No man could think it civility or sense, when he has saluted a person by a better title, to foist in a second which shall recant and degrade him. When any man does multiply single terms, and join them after this manner, it must either be, 1. Because he thought the first intricate and obscure, and would explain it by one of more familiar use, but then the last must be of equal value; or, 2. It falls somewhat short of his intention, and so would amplify it by another of wider comprehension; or, 3. he has overlasht himself a little, and offers another to correct and restrain it. In all which cases the latter must be full match for the first; and therefore in this place, allegiance must signify no more than obedience. But all this while I have gained no ground, if obedience must be universal and active obedience. Therefore,

2. This obedience must be but passive obedience. In a kingdom thus constituted, where the king is to govern by law, and the people so impatient of a few arbitrary excesses, it cannot be thought that they have invested him with such a prerogative, that we should all be sworn to obey his single command. And if it be in things only according to law, that would be obedience to the laws, not to him. But whether to one or the other, indefinite, universal, active obedience cannot be proper matter of an oath. The flattering courtier, who moved to have it passed into law, that whatsoever the king his master did should be right and just, deserved to be hissed out of the society of wise and sober men; but this would be something worse, for we must either swear that it is so, or that we will obey if it be otherwise. This is a deifying a human power, ascribing to it the divine perfections; nay, in some measure, advances it above God himself, not so much as reserving to us the liberty of paying our duty and allegiance to him; active obedience cannot be the thing intended.

Amongst the eastern nations, where sovereignty was at the highest elevation, non-resistance was all that was expected.[1] Else, in those days, when they did almost adore their kings, Teribazus had not been so renowned for his loyalty, of which he is celebrated as a singular example; because, that having his sword in his hand, and able to have made a good defence against one that weened about to assault him, yet he dropped his weapon, yielded his hands to be manacled as soon as he heard that the aggressor had the king's warrant to apprehend him.

But this does seal and confirm all. That the judges, when the oath has been tendered in their courts, have admitted of these explanations, been content with the promises of quietness: And neither king nor parliament ever sent them any reprimand for it, or brought the swearers to any further test.

3. There are some presumptions that in this second oath they might rather design something less. A slave that has been manumitted, may hire himself out for a year, in both cases here is master and servant; but it does not imply the same authority on the one part, nor oblige the other to the same subjection. A widow takes husband, who becomes a father to her former children; but they are not obliged to regard him in all respects as their natural parent. Many times the same words may be retained, and yet must necessarily suffer some alteration and abatement in the sense.

All languages are defective, have not words justly adapted to every thing, relation, and accident. Cicero[2] says, that the Greeks had no equivalent for *Innocentia;* and Seneca,[3] that the Romans had none for ἀπορία, and Quintilian[4] could not translate ἦθος;

[1] Plut. de Superst. [2] Tuscul. 3. [3] Ep. 87. [4] Inst. 5. 2.—*Orig. Notes.*

every age produces strange junctures and occurrences, which whosoever would express must have recourse to words that are already in use. But forasmuch as it must be the proper name of another thing, to which this new and anonymous thing is not parallel, therefore must it depart in some measure from its old signification when applied to this.

Here was a case for which there was no precedent; and it is plain they were at a stand for want of words adequate to it. The king was withdrawn, and the nation left in such disorder they knew not what to call it. They pitched upon dereliction, or abdication, not that either of these were commensurate to the state of the business, but none could be found that came more home to it. They do not deny many things to have been irregular and different from ancient forms of proceeding, yet they retain the same names. A convention, not summoned by royal writs, bears the name of a parliament; a person, not our natural-born prince, is stiled a king; the caution which they give this king is called allegiance: but all these, with some small strain and condescension from their true importance. It troubles a government to deviate from former terms, and of ill consequence to innovate even in words. It was one point of Tiberius's policy, *scelera nuper reperta priscis verbis obtegere.*[1] This is certain, that though they had designed to moderate and abate something of the old allegiance, they could not have given it any other name.

2. Let it be remembered how many material passages are left out of the oath, as the recognition of his just and undoubted right, with which allegiance seems to have a near alliance. And as the cause is manifest why that could not be continued, so it is palpable that this abstract, these few words which they have selected, cannot have all the force and effect of the whole, unless we must suppose that the parliament had espoused the principle of Carneades, that there is no such thing as justice, no difference between right and wrong; or else, that the cancelling of a book is the same thing with the demanding of a debt, and *abrogamus* with *statuimus*.

3. Observe what account the present and modish commentators have given of allegiance. Infinite numbers of tracts and pamphlets are every day published and spread abroad, which labour to persuade us that allegiance is no more than obedience to a king, while he rules according to law; that in many cases it does not hinder from resistance, and the like; now, that these notions are not disallowed by the law-makers themselves seems probable,

1. By their constant connivance at a thing so notoriously known, and which it so much concerns them to punish and suppress, if they did not approve it. *If it be well* argued that the court of Rome must have a secret liking of the seditious doctrine of Mariana, and other jesuits, because the books have been published in some remote catholick countries without a censure, how much more may we infer, that our governors allow of such measures of obedience and submission when they are written by their most inward favourites, their most able champions, spread upon every counter, and cried in every street? "What a man sees, and yet shews no resentment at; what he hears, and does not reprove where he has authority; he is supposed to ratify and confirm." Numbers xxx. 4.

2. Because it is for their advantage and interest, and that carries a strong presumption of their liking and consent. When any wickedness is committed whereof the author is uncertain, enquire to whose account it turns, to whom the benefit accrues, and you may conclude he did it. *Cui prodest scelus is fecit.*[2] Now were the people convinced that they were clearly absolved or disengaged from all duty to their former king, they had gained a point that would conduce more to their settlement, than all their preparations and policies besides; and since these are the only arguments or suppositions

[1] Tacit. An. 4. [2] Senec. Med. Act. 3.—*Orig. Notes.*

that can make it good, they may well be thought willing that this should be the standard of allegiance.

After all this some will still urge, that this reduces it into atoms, makes it but a noble and empty nothing: or, that this will not secure them from their enemies without assistance, and then it is but mere delusion.

If it do not afford them all the satisfaction and assurance that they could wish, yet if it yield as much as the matter will bear, it is not to be condemned: yea, perhaps this conduces most to their peace and safety.

1. Because if they should insist upon any further demands, and require not only patience and submission, but active service and assistance, it would make a dangerous rupture, compel a multitude of considerable persons openly to dissent, and to study and labour for another revolution, who now would sit down quiet, and, as Photinus advises Ptolemy, *Fatis accede deisque*;[1] so these would yield to the torrent, and commit all to the providence of God.

2. To carry those to fight against a king *de jure*, who were obliged to him by oaths and all the bonds of allegiance, is to shew an ill light, and give a dangerous example against themselves. For the same persons, when the wind turns, may think that they have as good warrant to rebel against any other to whom they have sworn it. They would frustrate the oath that is made to themselves, if they would have us to believe that to bear arms against our late sovereign is no breach of allegiance. Should they be taught that this is no violation of their faith to him, they would scarce apprehend that it could be a more strong or insolvable bond to their most gracious king and queen.

3. They will need no active assistance from us, for they will find other hands and instruments to maintain their possessions, and defend their crown and dignity. If they suppose that allegiance does oblige men to act and fight in the behalf of their sovereign, it can never be fit for them to employ either those who take the oaths, or those who refuse them, in any action or design against him. A traitor can never be trusted, and he that has been false to his natural lord, will never keep faith with a stranger; and he that will be true, can be no friend to a violent intruder. They can put no confidence in either of these, but must strengthen themselves with foreign aids and alliances. Bands of mercenary soldiers must be introduced to do the execution, if we will be but quiet spectators of the quarrel. So that this negative notion of allegiance contributes more to their safety than a larger would do.

But let the composers, or parties concerned, intend what they please, he that, to clear the doubt, does declare to the magistrate that he would only be understood of patience and submission, is in conscience bound no further than his own declaration.

Let it not be said that I must be supposed to take it in the publick sense, maugre any addition or explanation of mine. For words do but signify by contract, and oblige me to make them good in no other sense, but that wherein he, with whom I treat and confer, and I, have agreed. And if men please to correspond by cypher, and to the intent that strangers may not attain the secret, will covenant that allegiance should stand for rebellion, and religion for atheism or impiety; after this, he that should use them in their common acceptation were a cheat and a liar. Nero would sometimes command those that had offended him to die at an hour's warning; and if they made any hesitation or doubt to dispatch themselves, sent a physician to cure them. *Ita enim vocabit venas mortis gratia incidere.*[2] Now had this confidant of his performed the command according to the letter, and, by wholesome and seasonable applications, stopped the blood and restored the life of the languishing disfavourite, he had plainly falsified with his master. Or if this instrument of his had given the emperor notice that if he were dead, the sign should be that he is recovered, he was no deceiver, if the emperor would

[1] Lucan, Lib. 8. [2] Sueton. Nero 37.—*Orig. Notes.*

not so understand him. Truth requires no more but that I do my endeavour to invest my meaning in such language, that the party may know the real thoughts and purposes of my soul. And if he will misunderstand me, he deceives himself. The governors, in this case, may question whether I have fulfilled the law, and if not, they may still inflict the penalty, and proceed to deprive me; but can with no colour charge me with falsehood. I dealt faithfully and clearly with the bench, but whether they did so with the supreme, when they accepted of the declaration, let those who are more concerned, dispute.

3. "Whether the obligation to the first may not be thought to cease, or expire, before the other was superinduced?"

When the expressions are most absolute and positive, there must be several covert conditions implied, even in oaths themselves. To set down all the cautions and restrictions, or all the circumstances wherein they should be reputed invalid, is not possible; for as no human prudence can foresee all events, so no art can provide laws, or invent inexorable words, that will be equitable upon all emergencies and occasions: nor is it practicable, for the possible accidents are so many, that it would swell the oath of allegiance to a vast book of conscience; so many distinctions would make it rather intricate to many capacities, and immemorable unto all; it would trouble all transactions, perhaps give the captious more advantage to elude it, and scarce allow space in the courts to administer it. It is necessary, therefore, it should be summarily expressed; but it is as necessary that there should be many reservations understood. Now, that positive oaths must have some implications, the casuists prove from the example of Solomon, "He swore that he would not slay Adonijah," 1 Kings i. 51, 52, and yet cap. ii. v. 20, 22, "he swore Adonijah should die;" between which, if no condition was understood, there is evident contradiction. But the nature of the thing makes it apparent, that the first promise was upon a tacit supposition, that he should attempt nothing against the government, or else his pardon to be void. Ariston,[1] in Herodotus, persuades his intimate friend and companion Agetus, to enter articles in a frolick, and confirm them with an oath, to grant to each other any one thing that they requested. Agetus pitched upon some precious utensil, and that done, Ariston demanded his wife. Does any man think that Agetus was bound to perform? Dymnus makes Nicomachus swear[2] that he would never discover that secret which he was about to commit to him; then he declares a conspiracy against Alexander, which within three days was to be put in execution: Nicomachus honestly and constantly denies that ever he gave his faith to conceal a treason. The oath of allegiance is liable to exceptions, as well as any other. Trebonianus[3] swears to pay homage and acknowledgment for his Villa of Ramola, and all the royalties of Panizza, to his landlord Calender, but if the land or possessions be alienedy or swallowed up in an earthquake, or drowned in the sea, he is not bound to pay for that which is not. What is it that excuses these but equity? And wherever there is equal reason, there is equal dispensation.

This, I suppose, will be allowed, *Si is ad cujus utilitatem spectat eam nolit, non tenebitur qui juravit.*[4] The swearer is acquitted, if he to whom the right accrues will not accept, or is content to relinquish. *Quilibet potest renunciare juri pro se introducto.* Any man may wave or resign an interest, to which he hath the most undoubted right. King Charles the Second makes sale of Dunkirk; his ancestors, upon several treaties, have articled to surrender several towns and counties to the King of Scots: and though the inhabitants might be his sworn subjects, yet being thus alienedy and abandoned by him, are released from their allegiance. And as in a part, so in the whole; for if Dioclesian and Charles the Fifth retire, and will not act in the affairs of the empire, the subjects are not to be blamed that submitted themselves to others.

[1] Erato, cap. 62. [2] Q. Curt. 6. § 7. [3] Duct. dubit. pag. 271. [4] Grot. de Jur. Bell. 13. § 18.

Orig. Notes.

That this was the case, we have the testimony of two houses of convention, who resolved it upon a mature debate, and upon that foundation laid all their after-proceedings. If it was not altogether voluntary, because the absenting of his person might be the effect of a just fear, yet the stop put to the administration of affairs seems to have been done with more free consent; he could not be compelled to carry away the seals. All was done with an unwilling willingness; but if that would nullify it, no alienation could be valid. When a prince delivers up, in pursuance of a treaty, some town or country upon the frontiers of his kingdom, it is only because he is distressed; and, were it not to prevent or compose a quarrel, which he fears would be more fatal to him, would never have resigned it. And, truly speaking, a man cannot be necessitated to do any thing. That which we call so, is but some hard choice, when we prefer a less before a greater mischief.

But this I would not urge too far. If it be otherwise, the imposers have only deceived themselves. For a promise upon a mistake, or an oath upon the presumption of a thing that is not, leaves no obligation. Titius and Sabina come to church to contract marriage, but when the bridegroom has repeated his part, the damsel, upon some sudden instinct or repentance, does finally refuse to say the counterpart. Will any man say that Titius is now become a husband without a wife? The vow was of no force, because the supposition failed upon which it was grounded; that his spouse would have plighted her faith to him afterwards. Upon these foundations I raise this conclusion, that there is no inconsistence between the two oaths: For if the matter of abdication be true, the first is void; and if it be false, the latter.

Suppose it to have been pure force or compulsion, if I might call that a conquest, there would spring new solutions. But because the consequences to which that might be improved, would be too formidable upon another account, I let go the advantage.

However, it is certain, there was a dissolution of government. The fountain once stopped, the stream does soon dry up; all such as he left in authority refused, or were afraid to act; so that here was a perfect *interregnum*, or pure state of nature. How would the Leviathan have smiled, to have seen his chimæra real?

Things standing thus, it was absolutely necessary, there should be some government established. Anarchy is as much to be abhorred as a *vacuum* in nature, to avoid which, every body makes haste to leave its station, and moves contrary to the laws of its particular being, least the sides of the universe should crack, and fall, and with its weight crush every creature. So, to fill a vacant throne, and save a kingdom from confusion, men may break through all impediments, and the most sacred bonds must relax a little. All principles of religion and justice must bow to this, That there must be government.

And if that be necessary, so are all those means without which that cannot be attained:[1] *Quando lex aliquid alicui concedit, concedere videtur et id, sine quo res ipsa esse non potest.* And therefore it was necessary, that the sovereign power should be lodged in some body that might see to the execution of laws, and the administration of all affairs. It was as necessary they should pitch upon the person; who, if he had not received it by votes, might have claimed by a higher title. There is no room for a debate, whether they shall chuse a candidate, who, if repulsed, is able to take all that we deny, and more. Cornelius went to the senate, and, in the name of the army, demanded the consulship for Augustus;[2] while they demurred, he laid his hands upon his sword, and said, if they would not make him consul, that should.

I know it will be thought this was not necessary, because there was another and better expedient; it had been but recalling the king, and then all things would have run in the right stream. But this was not possible, if the majority did not like that

[1] Cook, Inst. ad Sect. 68.

[2] Suet. Aug. 26.—*Orig. Notes.*

motion, what could baffled loyalty do more? Such must needs fall in with the rest. *Fit temeritatis alienæ comes spurinna, primo coactus, mox velle simulans*——[1] Or, if all the convention should have invited him back, there was no probability that he would have returned, while the same rub was in the way which caused him to withdraw; and who had the power to remove it?

If a governor was necessary, so was it that he should be king; not only to indemnify all that had or should act, but to fit the frame of our laws, which are composed like Lysia's speech;[2] you cannot alter a word, but you will spoil the sentence. There can no other title be substituted in its stead, which will cohere with all cases and occasions.

It was necessary this governor should be submitted to, and warranted against all unjust pretenders; and secured from those who enjoyed his protection, yet this could be called by no other name than allegiance. Nor could the laws have taken hold of an offender in that point, under any other notion.

Many things seem harsh and unjust, when we look at the last act only; which would change their aspect, if we would begin at the bottom of the cause, and follow it by the same steps it advanced. The stories which Suetonius reports of Nero and Claudius, did seem to a learned lord[3] fabulous, and beyond all belief; but when he met the same actions in Tacitus, invested with circumstances of times, persons, and inducements, they were not improbable. These proceedings, and this allegiance at which we boggle, could not appear so horrid and strange, if we would take our stand a while at the necessity of government, and see by what a series of necessities they were led to the top and crown of all. For, *Necessitas non habet legem.*

Obedience due to the present King, notwithstanding our Oaths to the former. Written by a Divine of the Church of England.

Anno 1689.

This Tract turns upon the same controversy, which the preceding author ingenuously sums up in the old adage, "Necessity has no law." "The matter of the oaths begat controversy upon controversy, and that not more for conscience' than party's sake: For though many well-meaning clergymen did actually sacrifice their livings to their scruples, others, who had been the stiffest advocates for non-resistance and passive obedience, thought fit to satisfy the law by transferring their allegiance from King James to King William, and endeavoured to set a gloss on the satisfaction it gave to themselves, by declaring previously, that they took the oaths in no other sense, than as a peaceable submission to the powers that were; which, they would needs have it, they had authority for, even from the legislature itself; since they had dropt the word *rightful* when the form was under debate; which they would scarce have done, said they, if they had not allowed the distinction between a king *de facto* and a king *de jure*. Now these jurors found themselves between two fires; for as those who swallowed the oath whole would not allow the sense of it to be frittered away, so those that wholly rejected it treated the temporisers with all the bitterness imaginable; who in answer to both alledged, that as pru-

[1] Tacit. Hist. 8. [2] A Gel. 2. 5. [3] Bacon, de Aug. Scient.—*Orig. Notes.*

dence obliged them to conform to the letter of the oath, so conscience required them to give it their own interpretation.

Among the nonjurors were five of the seven bishops who had of late been called the seven golden candlesticks of the church, for the stand which they had made in the late reign against the religion of the court; *viz.* Canterbury, Ely, Chichester, Bath and Wells, and Peterborough; and who probably believed that their credit with the people was so great that they could turn the scale of government as they pleased. With these joined Frampton of Glouecester; and as to the other two, St Asaph was at court, and Bristol dead.

It is not to be supposed that those in power were altogether easy under this separation, or without some apprehensions of ugly consequences; for which reason they proceeded as tenderly with them as possible. They first invited them to come in; and when they found it necessary to proceed to compulsion, they began with suspension; after which they waited long before they proceeded to deprivation; and in the mean while plyed them from the press with arguments, remonstrances, and every other battery which affects the mind of man; but, as we shall find, without effect: Those who had made the breach resolved to keep it open; and instead of being induced to swear as the law required, endeavoured (at least their emissaries did) to convince their half conforming brethren that they ought not to pray for those as their lawful and rightful governors whom they refused to acknowledge as such in their oath of allegiance."—RALPH, II. 166.

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1. THE oath of allegiance is the expression of our natural duty to the king (as the coronation oath is of the regal; which in nature is antecedent to it) 'tis especially signified in these words:' "I will bear faith and true allegiance to his majesty, his heirs and successors, and him and them will defend against all attempts, which shall be made against his or their persons, their crown and dignity."

2. If the king do manifestly separate his person from, and engage it against his crown and dignity, so that we cannot defend them both; I mean, if his personal actions, contrary to law, do directly and openly tend to the prejudice and spoiling of his crown and dignity, by his voluntary subjecting them to a foreign power, contrary to the plan and primary intention and letter of the oath; subverting the legal constitution, and enervating the very laws by which his crown is supported, his prerogative is measured, and the dignity of the king, as such, hath its very being, as well as the safety of his people, is maintained; certainly in such a case, none can be bound by this, or any other oath, to defend the king's person, in attempts so contrary to the very reason and end of all government, with the neglect of the other part of our duty, which is to defend his crown and dignity.

The oath of supremacy seems to direct us more clearly in this difficulty; the words are, "I shall bear faith and true allegiance to the king's highness;" but how? it follows, "and to my power shall assist and defend all jurisdictions, privileges, prehemminences, and authorities, granted or belonging to the king, or annexed and united to the imperial crown of this realm; that is, thus we are to bear faith and allegiance to the king."

4. For if we should be bound to assist and defend his person, when it is, and as it is engaged against his crown and dignity, we seem bound, *toto posse et totis viribus* (so far defence is expounded) to assist and contribute to the ruin both of our king and country, and perhaps to the cutting of our own throats.

5. If any should imagine, that the oath will not suffer us to consider the person and crown of the king thus divided, but that it binds us to assist and defend them together: 'tis true, while they are kept together. But if the king himself divide them, and 'tis become impossible for us to assist his person but we must betray his crown; nor

[1] He must be king before we can be bound to him as such.—*Orig. Note.*

defend his crown without forbearing to assist his person; to say, now we are bound to assist and defend both, makes a plain repugnancy in the oath and in our duty (to do and not to do the same thing) and consequently the obligation ceaseth.

6. That we are bound by our allegiance to assist the person of the king, to the prejudice of his crown and people, seems not only to be against the light of nature, the primary end of it being the safety of his kingdom, and the safety of the king, but the secondary end of it; but most agreeable to the sense of our antient and learned lawyers, and also of the plain acknowledgement and profession of antient kings and parliaments.

King Henry I. five hundred years ago, told the pope, Whilst I live the authorities and usages of the kingdom shall never be diminished: But if I would so debase myself (which God forbid) *Magnates mei et totus Angliæ populus nullo modo paterentur:* The lords and people of England would by no means suffer it. And Edward I. wrote himself to the same purpose. Besides, with his consent, the lords and commons in parliament, in their letter to the pope, have these words, "We do not permit, or in the least will permit" (*sicut nec possumus nec debemus*) though our sovereign lord the king do, or in the least wise attempt to do any of the premises (by owning the pope's authority, touching his right to Scotland) so strange a thing, so unlawful, prejudicial, and otherwise unheard of, though the king himself would."[1] Once more, on record in the fourth of Henry III. the commons declare, *Si Dominus Rex et Regni majores hoc vellent* (Ademer's revocation upon the pope's order) *Communitas tamen ipsius ingressum in Angliam, nulla tenus sustineret.*

Now what's the meaning of all this? but that the king's personal will, contrary to law, however expressed (for it must be signified by his words or actions) if the performance of it would prejudice his crown and dignity, may be resisted. Much less are we bound by our allegiance to assist or defend him in so doing, in reason, law, or the sense of our antient kings or parliaments.

Objection. But we swear to defend, not only the king, but his heirs and lawful successors.

Answer 1. True, but *hæres non est viventis*, and the successor in law and common sense, is the person that doth actually succeed, or is in possession. Now, if the actual successor be the lawful successor, we are bound by our oaths to defend him; but if he be not the lawful successor, none else is so, because none else is the successor, and consequently so far the object and reason of our oaths ceasing, our obligation by them ceaseth, and we are bound to none besides the person in possession.

2. 'Tis farther remarkable, that though the word lawful be once in the oath of supremacy, 'tis only there where we swear faith and allegiance in general; but, as if it were intended that the subject should not trouble himself about the title of the king in being, where that allegiance is explained with respect to practice, the word lawful is left out in that oath. It follows there in these words,— "Shall assist and defend all jurisdictions,"—granted or belonging to the king's highness, his heirs and successors, without the word lawful. And agreeable hereunto we find the word wholly left out in the oath of allegiance, both in the same place where we swear allegiance in general, as well as in the other place of our more particular duty; and it looks as if this was done *de industria*, for the same reason, namely, that such as take the oaths might not think themselves bound thereby to be solicitous about the title to the crown.

3. The Holy Scriptures seem not to involve the consciences of private Christians about princes titles; but expressly require their subjection to the powers that are, as a

[1] Bract. Fleta. *Ei frænum ponere.—Orig. Note.*

great and necessary instance of that humility and peaceable behaviour which their religion teacheth them.

4. In the same Holy Books we are further most plainly admonished, that (by what means soever obtained) 'tis "God that putteth down one, and setteth up another;" and upon that ground too we are strictly charged to submit to the powers that are, because they are ordained of God, and though the apostle use the word ἐξουσία, I think none can imagine he intended by it to determine the lawfulness of Augustus' title, who was admitted by the senate; but rather to inforce that obedience that he presseth the Christians to yield, by this consideration, that all authority is from God; and in its true nature, and by God's[2] ordinance, intended for our good.

5. The known statute of 11 H. 7. 1. is of the same import, and grounded, we find, upon the like reason and Holy Scripture; it gives us way to this plain inference, that the same duty which we owe to a lawful king, is to be performed to the king in being; that is, to the king in possession; and that no other king or future parliament can in reason, law, or good conscience, upon any pretence of usurpation in the possessor of the crown, or any disloyalty in the subject, charge us with guilt, for serving or defending the king in possession. The subjects therefore might lawfully fight for him, and consequently take the military oath; in reason, (by the law of nature) in law, by the law of the land; in all good conscience, that is, by the law of God in the Holy Scriptures.

6. Hereupon my Lord Coke's words are notable: This act, saith he, (meaning 25 Ed. III. about treason) is to be understood of a king in possession of the crown and kingdom; for if there be a king regnant in possession, although he be *Rex de facto* and *non de jure*, yet is he Seignior le Roy, within the purview of this statute; and the other that hath right and is out of possession, is not within this act.

Nay, saith he, if treason be committed against a king *de facto* and *non de jure*, and after the king *de jure* come to the crown, he shall punish the treason done to the king *de facto*; and a pardon granted by a king *de jure*, that is not also *de facto*, is void, Inst. 3. l. p. 7.

Now, if by the law of the land, which I think is our only guide in such cases, treason may be committed against a king that is so only by possession, without right; and cannot be committed against him that hath right, and not possession: Seeing he is not within the purview of the statute, sure we cannot reasonably be thought to be entangled in such a strait as to be bound by our allegiance to commit treason, which we cannot presume the king in possession will pardon, and the law tells us the king that hath right only, cannot. Who, therefore, would question our liberty to be true and faithful to the king in possession, so far at least as not to resist him, or to be traitors to him, or to give him assurance thereof by our oath. The renowned casuist, Bishop Sanderson, would not declare[3] the very engagement to be unlawful, taken in that lower sense, to the pretended commonwealth without any king or House of Lords.

7. Since we have mentioned that excellent casuist, whose loyalty, judgment, fidelity, and authority is unquestionable, 'tis fit for us to observe what he hath frequently and without the least hesitancy, delivered as his premeditated thoughts about the present case.

Having supposed a king in possession only, by power, if the query be what is to be done by the subject that hath sworn allegiance to the rightful king, he answers, 'tis not only lawful to obey the king in such possession, but it often happens that not doing so, [*defuisse officio,*] we are wanting to our duty. Yea, that we owe subjection to

[2] Rom. 13.

[3] *Imperatores Rom. fatendum est, non optimo jure imperium adeptos.* Sanderson.

[3] Case of Engag. p. 111.—*Orig. Notes.*

a king in possession, upon the grounds of justice, equity, charity, and gratitude, while we enjoy our liberties, and are protected by him.

Exigit hoc a nobis (optima æqui boni lex) vetus illa commutationum formula, Δός τι, καὶ λάβε τι. et profecto perversissimæ mentis, sub illius dominationis patrocinio, velle vivere cui parere nolis: et cujus protectione gaudeas, ejus imperium detractare.

8. His third argument for the necessity of obedience to the present power, however obtained, is taken from the charity we owe to the public, whether church or state, of which we are members, and for the good of which we are born; in *quantum igitur illius societatis, cujus ipse membrum et pars est salus at tranquillitas exigit, eatenus civis unusquisque imperiis ejus qui de facto——præest obtemperare tenetur.* Words worthy the most serious reflection of the present church of England. Read at large his 5th Prælect.

But as to the argument from gratitude, when we seriously reflect upon our late forlorn and ruinous condition both in church and state; when we call to mind that all our foundations were put out of course, and our pillars even broken by the late king's own ill-guided hands, and that the heroic prince hath been at so great expence, and exposed himself to so many hazards in his own country, at sea, and here in England, in compassion both to our miseries and infirmities; when our land was weak, and all the inhabitants thereof in an utter disability to rescue or save themselves; and none under Heaven, within the reach of human apprehension, besides that one prince, could possibly effect it; that glorious instrument under God, put his hand to support and strengthen and bear up our pillars, to redeem and secure our religion, laws, and liberties; and when our late king, either for fear of his person, or rather of the issue of affairs in our re-establishment, had deserted or abdicated his kingdom, and left us in confusion to shift for ourselves, whose return now cannot be thought of without horror: And the present king and queen being therefore first petitioned to take the government, have graciously accepted it, upon terms answering all men's desires or interests: I say, when all this is well pondered, the ground and argument for our quiet and chearful submission, taken from gratitude, is indeed too big to be contained in a sheet or two of paper, or the mind of man; and prodigious beyond the credit of posterity.

Lastly, one would think there was no place left for any further scruple. The late change was urged by extreme necessity, and carried on with a wonderful providence, and perfected with universal consent; it was eminently the Lord's doing, and our own too; the government was unhinged by the late king himself. The present king, &c. was put into possession by ourselves in our representatives, who were as freely chosen by us as ever any parliament was: The convention had nothing wanting but the previous formality of the royal writs, which could not be then had; that punctilio of order cannot reasonably be supposed to go into the being of the representative body; the want of it cannot well be thought to prejudice our election, or consent to what they have done, whom we chose and intrusted with our politick reason and interest, and in whose acts we ought to acquiesce as our own doings, in every thing or matter of expediency for the public good, not evidently contrary to our duty to God.

In short, the possession of the throne, by the act of the people of England, is now unquestionable; we have no liberty left us, either to dispute the king's title, or deny him our duty. "Give unto Cæsar the things that are Cæsar's," &c.

The present Case stated; or the Oaths of Allegiance and Supremacy no Badges of Slavery. 1689.

Another objection was stated by the nonjurors to the oaths enjoined by the new government. These were, they said, an illegal and tyrannical imposition upon the consciences of the subject, and in that point of view a badge of conquest and of slavery. This opinion is combated by the author, whose object it is to shew, that the injunction of such oaths was frequent in English history, and that they were held as no innovation upon the constitution, being in fact the same with the original oath of fealty due by the law from subjects to the sovereign, or at farthest to be understood as explanatory thereof, and as adapting its general obligation to the particular circumstances of the times.

THE ecclesiastical jurisdiction of the crown of England having been invaded and broke in upon by the power of the court of Rome, in King Henry the Eighth's time all foreign power was abolished, and the antient legal supremacy restored, and by many additional acts corroborated. But all that was done of that kind in King Henry the Eighth's time, was undone again in Queen Mary's; and therefore in the first year of Queen Elizabeth's reign, an act of parliament was made, entitled, "All ancient Jurisdiction restored to the Crown. A Repeal of divers Statutes, and Reviver of Others: And all Foreign Power abolished:" Which act recites, that whereas in the reign of K. H. VIII. divers good laws were made and established, as well for the utter extinguishment and putting away of all usurped and foreign powers and authorities out of this realm, as also for restoring and uniting to the imperial crown of this realm the ancient jurisdictions, authorities, superiorities, and preheminences to the same of right belonging and appertaining; by reason whereof the subjects of this realm were kept in good order, and disburthened of divers great and intolerable charges and exactions, until such time as all the said good laws and statutes by one act of parliament, made in the first and second years of the reigns of King Philip and Queen Mary, were clearly repealed and made void; by reason of which act of repeal the subjects of England were eftsoons brought under an usurped foreign power and authority, and yet remained in that bondage to their intolerable charges; and then enacts, That for the repressing of the said usurped foreign power, and the restoring of the rights, jurisdictions, and preheminences appertaining to the imperial crown of this realm, the said act made in the first and second years of the said late King Philip and Queen Mary (except as therein is excepted) be repealed, void, and of none effect.

The said act of *primo* Elizabeth proceeds, first, to revive by express words many statutes that had been made in King Henry the Eighth's time, and repealed in Queen Mary's; and secondly, to abolish all foreign authority in these words; viz. And to the intent that all usurped and foreign power and authority, spiritual and temporal, may for ever be clearly extinguished, and never to be used or obeyed within this realm,

&c. May it please your highness that it may be enacted, That no foreign prince, person, prelate, state, or potentate, spiritual or temporal, shall at any time after the last day of this session of parliament, use, enjoy, or exercise any manner of power, jurisdiction, superiority, authority, preheminence or privilege, spiritual or ecclesiastical, within this realm, &c. but the same shall be clearly abolished out of this realm, &c. any statute, custom, &c. to the contrary notwithstanding. Thirdly, the said act restores in the next paragraph to the imperial crown of this realm, such jurisdictions, privileges, superiorities, &c. spiritual and ecclesiastical, as by any spiritual or ecclesiastical power or authority had theretofore been, or might lawfully be exercised or used, &c. Fourthly, the act empowers the queen to assign commissioners to exercise ecclesiastical jurisdiction. And fifthly, for the better observation and maintenance of this act, imposes upon ecclesiastical and temporal officers and ministers, &c. the oath, commonly called the Oath of Supremacy, which runs thus: viz.

The Oath of Supremacy.

"I, A. B. do utterly testify and declare in my conscience, that the queen's highness is the only supreme governor of this realm, and of all other her highness's dominions and countries, as well in all spiritual or ecclesiastical things and causes, as temporal; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have any jurisdiction, power, superiority, preheminence, or authority, ecclesiastical or spiritual, within this realm; and therefore I do utterly renounce and forsake all foreign jurisdiction, powers, superiorities, and authorities, and do promise that from henceforth I shall bear faith and true allegiance to the queen's highness, her heirs and lawful successors; and to my power shall assist and defend all jurisdictions, privileges, preheminences, and authorities, granted or belonging to the queen's highness, her heirs and successors, or united and annexed to the imperial crown of this realm. So help me God, and by the contents of this book."

It cannot but be obvious to every impartial pursuer of the statute, especially if he have the least knowledge of what condition the government of this nation was reduced to by papal encroachments and usurpations, that the makers of this law, and the sense of this oath, was no other in general, than that the people of this realm should bear faith and true allegiance, even in matters relating to ecclesiastical jurisdiction, to the queen's highness, her heirs and lawful successors, and not to the pope or any foreign pretended jurisdiction.

What the several jurisdictions, privileges, preheminences, and authorities granted or belonging to the queen, her heirs and successors, are in particular; and what the jurisdictions, privileges, preheminences, and authorities united and annexed to the imperial crown of this realm, are in particular, is not material here to be discoursed of; though the several statutes made in King Henry the Eighth's time, and King Edward the Sixth's, and revived in Queen Elizabeth's, will unfold many of them, and clear the distinction, which the oath makes, betwixt authorities granted or belonging to the king, and authorities united and annexed to the imperial crown: And Mr Prynn's History of the Pope's intolerable Usurpations upon the Liberties of the Kings and Subjects of England and Ireland; together with Sir Roger Twisden's Historical Vindication of the Church of England in Point of Schism, will in a great measure acquaint the curious how matters stood with us here, with respect to church-government, before the pope had wrested the ecclesiastical jurisdiction almost wholly out of the hands of our kings, our parliaments and courts of justice. In short, those jurisdictions, &c.

are such as the ancient laws, customs, and usages of the realm, or latter acts of parliament, have created, given, limited, and directed.

The makers of this law did not design to impose upon the people of England any new terms of allegiance, but to secure the old ones, exclusive of any pretences of the pope or see of Rome.

Nor are there any words in this oath, more strong, more binding to duty and allegiance, than are words which the old oath of fealty is conceived in; which all men were anciently obliged, and may yet be required to take to the king in the court-leet at twelve years of age, which runs thus: viz.

"You shall swear that from this day forward you shall be true and faithful to our sovereign Lord King James, and his heirs: And faith and truth shall bear of life and limb, and terrene honour: And you shall not know or hear of any ill or damage intended to him, that you shall not defend. So help you Almighty God."

This is as full and comprehensive as the oath of supremacy: "I do promise that I shall bear faith and true allegiance to the queen's highness, her heirs, and lawful successors, and to my power shall assist and defend all jurisdictions, &c." So that the true sense and meaning of the oath of supremacy is this, viz. "I will be true and faithful to our sovereign lord the king, his heirs and lawful successors, and will to my power assist and defend all his rights, notwithstanding any pretence made by the pope or any other foreign power to exercise jurisdiction within the realm; all which foreign power I utterly renounce, in matters ecclesiastical as well as temporal."

The oath of allegiance is appointed by the act of 3 Jac. 1. chap. iv. entitled, "An Act for discovering and repressing of Popish Recusants." It recites the daily experiences that many of his majesty's subjects, that adhere in their hearts to the popish religion, by the infection drawn from thence, by the wicked and devilish counsel of jesuits, seminaries, and other like persons dangerous to the church and state, are so far perverted in the point of their loyalties and due allegiance to the king's majesty, and the crown of England, as they are ready to entertain and execute any treasonable conspiracies and practices. And for the better trial how his majesty's subjects stand affected in point of their loyalties and due obedience, enacts, "That it shall be lawful for any bishop in his diocese, or any two justices of the peace, whereof one to be of the quorum, within the limits of their jurisdiction, out of the sessions, to require any person of the age of eighteen years or above, which shall be convicted or indicted of recusancy, other than noblemen, &c. or which shall not have received the sacrament twice within the year then next past, or any person passing in or through the country, unknown, that being examined upon oath shall confess, or not deny him or herself to be a recusant, and to take the oath therein expressed, viz. &c. the oath of allegiance."

So that by the occasion of imposing the oath, and by the appointing it to be tendered only to papists, or suspected papists, it is apparent that the design of the law-makers was to detect such persons as were perverted, or in danger to be perverted in their loyalty, by infection drawn from the popish religion.

The form of the oath makes it yet more evident, being wholly levelled against any opinion of the lawfulness of deposing the king, or practising any treason against him, upon pretence of his being excommunicated or deprived by the pope; and against any opinion of the pope's power to discharge subjects from their oaths of fidelity to their princes. It runs thus, viz.

"I, A. B. do truly and sincerely profess, testify, and declare in my conscience before

God and the world, that our sovereign Lord King James is lawful and rightful king of this realm, and of all his majesty's dominions and countries: And that the pope, neither of himself, nor by any authority of the church or see of Rome, or by any other means, with any other, hath any power or authority to depose the king, or to dispose any of his majesty's kingdoms or dominions, or to authorize any foreign prince to invade or annoy him, or his countries, or to discharge any of his subjects of their allegiance or obedience to his majesty, or to give licence or leave to any of them to bear arms, raise tumults, or to offer any violence or hurt to his majesty's royal person, state, or government, or to any of his majesty's subjects within his majesty's dominions.

"Also I do swear from my heart, That notwithstanding any declaration or sentence of excommunication, or deprivation made or granted, or to be made or granted by the pope or his successors, or by any authority derived or pretended to be derived from him or his see, against the said king, his heirs and successors, or any absolution of the said subjects from their obedience, I will bear faith and true allegiance to his majesty, his heirs and successors, and him and them will defend to the uttermost of my power against all conspiracies and attempts whatsoever, which shall be made against his or their persons, their crown and dignity, by reason or colour of any such sentence or declaration, or otherwise, and will do my best endeavour to disclose and make known unto his majesty, his heirs and successors, all treasons and traitorous conspiracies, which I shall know or hear of to be against him, or any of them.

"And I do further swear, that I do from my heart abhor and detest and abjure, as impious and heretical, this damnable doctrine and position, that princes, which be excommunicated or deprived by the pope, may be deposed or murdered by their subjects, or any other whatsoever.

"And I do believe, and in conscience am persuaded, that neither the pope nor any person whatsoever, hath power to absolve me of this oath, or any part thereof, which I acknowledge by good and lawful authority to be lawfully administered unto me, and I do renounce all pardons and dispensations to the contrary. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, or mental evasion, or secret reservation whatsoever. And I do make this recognition and acknowledgment heartily, willingly, and truly, upon the true faith of a Christian. So help me God.

And the statute of 7 Jacobi cap. 6. recites, that "Whereas by a statute made in the third year of the said king's reign, the form of an oath to be ministered and given to certain persons in the same act mentioned, is limited and prescribed, tending only to the declaration of such duty, as every true and well-affected subject, not only by bond of allegiance, but also by the commandment of Almighty God, ought to bear to the king, his heirs and successors; which oath such as are infected with popish superstition do oppunge with many false and unsound arguments, the just defence whereof the king had therefore undertaken and worthily performed, to the great contentment of all his subjects, notwithstanding the gainsayings of contentious adversaries. And to shew how greatly the king's loyal subjects do approve the said oath, they beseech his majesty, that the said oath be administered to all his subjects."

The pope and authority of the see of Rome run through the first paragraph; "Notwithstanding any declaration or sentence of excommunication, &c." governs the second paragraph: "Excommunicated and deprived the pope" are the material words

in the third paragraph. The fourth is added in *majorem cautelam*, in opposition to the popish doctrine of "dispensing with oaths, absolving subjects from their allegiance equivocations, mental evasions," &c.

So that as the oath of supremacy did but enforce the ancient oath of fealty, with an acknowledgment of the queen's supreme authority in ecclesiastical causes and things, as well as temporal, and a renunciation of all foreign jurisdictions, so the oath of allegiance does but enforce the same old oath of fealty, by obliging the subjects of England expressly to disown any lawful authority in the pope or see of Rome, to depose, invade, or annoy the king, his dominions or subjects. And notwithstanding any sentence of excommunication, deprivation, &c. by the pope, &c. to bear faith and true allegiance to the king, his heirs and lawful successors, and to abjure that position, that it is lawful to depose princes that are excommunicated or deprived by the pope.

Whatever is added, is either oath over and above what was expressed in the old oath of fealty, is but as explanatory of it, and branching it out into such particulars as their and occasion required.

So that the oaths of supremacy and allegiance not having altered the terms of allegiance due from the people of England to their princes, if their princes by ancient laws of the realm, and by the practice of our forefathers, were liable to be deposed by the great councils of the nation, for mal-administration, oppressions, and other exorbitancies, for not keeping their coronation-oaths, for insufficiency to govern, &c. then they continue still liable to be deposed in like manner, the said oaths, or any obligation contracted thereby, notwithstanding.

For the practice of former times, I shall begin with a very ancient precedent in the kingdom of the West Saxons, viz.

Cudred, King of West Saxony, being dead, Sigebert, his kinsman, succeeded him in that kingdom, and held it but a small time; for being puffed up with pride by the successes of King Cudred, his predecessor, he grew insolent, and became intolerable to his people. And when he evil intreated them all manner of ways, and either wrested the laws for his own ends, or eluded them for his own advantage, Cumbra, one of his chief officers, at the request of the whole people, intimated their complaints to the savage king. And, because he persuaded the king to govern his people more mildly, and that laying aside his barbarity he would endeavour to appear acceptable to God and man, the king immediately commanded him to be put to death, and, increasing his tyranny, became more cruel and intolerable than before: Whereupon, in the beginning of the second year of his reign, because he was arrived to an incorrigible pitch of pride and wickedness, the nobles and the people of the whole kingdom assembled together, and upon mature deliberation, did, by unanimous consent of them all, drive him out of the king-

Cudredo, Rege West-Saxiæ, defuncto, Sigebertus cognatus ejus sibi in eadem regno successit; brevi tamen tempore regnum tenens, nam ex Cudredi regis precessoris sui eventibus tumefactus, et insolens intolerabilis suis fuit cum autem eos modis omnibus male tractaret, legesque vel ad commodum suum depravaret, vel pro commodo suo devitaret; Cumbra, consul ejus nobilissimus prece totius populi regi fero eorum querimonias intimavit. Et quia ipse regi suaserat, ut leniùs populum suum regeret, et inhumanitate depositâ Deo et hominibus amabilis apparet. Rex eum impiâ nece mox interfici jubens, populo sævior et intolerabilior quàm priùs suam tyrannidem augmentavit, unde in principio secundi anni regni sui cum incorrigibilis superbiæ et nequitiæ esset, congregati sunt proceres et populi totius regni et eum provida deliberatione a regno unanimi consensu omnium expellebant. Cujus loco Kenwolfum juvenem egregium de regia stirpe oriundum, in regem super populum et regnum West-Saxiæ elegerunt.—*Collect.* 769, 770. *Ibid.* p. 795, 796.

dmo. In whose stead they chose Kenwolph, an excellent youth, and of the royal blood, to be king over the people and kingdom of the West Saxons.—*Collect. p.* 769, 770. *Ibid. p.* 795, 796.

This deposition of King Sigebert appears to have been done in a formal and orderly manner, viz. in a convention of the *proceres* and the *populus totius regni;* and it was done *providâ deliberatione et unanimi omnium consensu,* and consequently was not an act of heat, rebellion, or tumultuary insurrection of the people, but was what the whole nation apprehended to be legal, just, and according to the constitution of their government, and no breach of their oaths of allegiance.

Nor have we any reason to wonder that the English nation should free themselves in such a manner from oppression, if we consider that by an ancient positive law enacted in King Edward the Confessor's time, and confirmed by William the Conqueror, the kings of England are liable to be deposed if they turn tyrants.

The king, because he is the vicar of the supreme King, is constituted to this end and purpose, that he may govern his earthly kingdom and the people of the Lord, and especially to govern and reverence God's holy church, and defend it from injuries, and root out, destroy, and wholly to extirpate all wrong-doers; which, if he do not perform, he shall not retain so much as the name of a king. And a little after, the king must act all things according to law, and by the judgment of the *proceres regni.* For right and justice ought to reign in the realm, rather than a perverse will. It is the law that makes right; but wilfulness, violence, and force, is not right. The king ought above all things to fear and love God, and to keep his commandments throughout his kingdom. He ought also to preserve, to cherish, maintain, govern, and defend against its adversaries, the church within his kingdom entirely, and in all freedom, according to the constitution of the fathers, and of his predecessors, that God may be honoured above all things, and always be had before men's eyes. He ought also to set up good laws and approved customs, and to abolish evil ones, and put them away in his kingdom. He ought to do right judgment in his kingdom, and maintain justice by advice of the *proceres regni sui.* All these things the king, in proper person, looking upon and touching the holy gospels, and upon the holy and sacred reliques, must swear in the presence

Rex autem, quia vicarius summi regis est, ad hoc est constitutus, ut regnum terrenum et populum domini, et super omnia sanctam veneretur ecclesiam ejus et regat et ab injuriosis defendat, et maleficos ab ea evellat et destruat, et penitus disper. Quod nisi fecerit, nec nomen regis in eo constabit. Et paulò post; debet rex omnia ritè facere in regno, et per judicium procerum regni. Debet enim jus et justitia magis regnare in regno, quàm voluntas prava. Lex est semper quod jus facit, voluntas autem, violentia et vis non est jus. Debet verò rex deum timere super omnia et deligere, et mandata ejus per totum regnum suum servare. Debet etiam sanctam ecclesiam regni sui cum omni integritate et libertate juxta constitutiones patrum et prædecessorum servare, fovere, manutenere, regere, et contra inimicos defendere, ita ut Deus præ cæteris honoretur, et præ oculis semper habeatur. Debet etiam bonas leges et consuetudines approbatas erigere, pravas autem delere, et omnes à regno deponere. Debet judicium rectum in regno suo facere, et justitiam per consilium procerum regni sui tenere. Ista verò debet omnia rex in propria persona, inspectis et tactis sacrosanctis evangeliis, et super sacras et sanctas reliquias coram regno et sacerdotio et clero jurare antequam ab archipiscopis et episcopis regni coronetur.—*Lamb. de Priscis Anglorum Legibus, p.* 142.

of his people and clergy to do, before he be crowned by the archbishops and bishops of the kingdom.—*Lamb, of the Ancient Laws of England, pag.* 142.

Another instance of the deposition of a king of England, subsequent to this law, we find in King John's time; whose oppressions and tyrannical government our histories are full of. Of which take this following account out of a very ancient historian :—

Whereas the said John had sworn solemnly at his coronation, as the manner is, that he would preserve the rights and usages of the church and realm of England, yet, contrary to his oath, he subjected, as far as in him lay, the kingdom of England, which has always been free, and made it tributary to the pope, without the advice and consent of his barons; subverting good customs, and introducing evil ones; endeavouring by many oppressions, and many ways, to enslave both the church and the realm, which oppressions you know better than I, as having felt them by manifold experience. For which causes, when after many applications made, war was waged against him by his barons; at last, among other things, it was agreed, with his express consent, That in case the said John should return to his former villainies, the barons should be at liberty to recede from their allegiance to him, never to return to him more. But he, after a few days, made his latter end worse than his beginning, endeavouring not only to oppress his barons, but wholly to exterminate them; who, therefore, in a general assembly, and with the approbation of all the realm, adjudging him unworthy to be king, chose us for their lord and king.—*Collect. p.* 1868, 1869. *Chron. W. Thorn.*

Cum præfatus Johannes in coronatione suâ solennitèr prout moris est jurasset, se jura et consuetudines ecclesiæ et regni Angliæ conservaturum, contra juramentum suum absque consilio vel consensu baronum suorum idem regnum, quod semper fuit liberum, quantum in ipso fuit, domino papæ subjecit, et fecit tributarium, bonas consuetudines subvertens, malas inducens, tam ecclesiam quam regnum multes oppressionibus multesqui modes studens ancellare, quas oppressiones vos meliùs nostis, quam nos, ut qui eas familiari sensestis experimento. Pro quibus, cum post multas requisitiones guerra mota esset contra ipsum a baronibus suis, tandem inter cætera de ejus expresso consensu ita convenit, ut si idem Johannes ad flagitia prima rediret, ipse barones ab ejus fidelitate recederent, nunquam ad eum post modùm reversuri. Verùm ipse nihilominus paucis diebus evolutis, fecit novissima sua pejora prioribus, studens barones suos non tantum opprimere, sed potiùs penitùs exterminare. Qui de communi regni consilio et approbatione ipsum regno judicantes indignum, nos in regem et dominum elegerunt.—*Collect.* 1868, 1869. *Chron. W. Thorn. Lewis's Letter to the Abbot of St Austins, Canterbury.*

The next instance shall be that of King Edward the Second. The record of whose deposition, if it were extant, would probably disclose all the legal formalities that were then accounted proper for the deposing an unjust, oppressive king; but they were cancelled and embezzled (as is highly probable from Rastal's Stat. pag. 170, 171, compared with the articles exhibited in parliament against King Richard the Second, of which hereafter) in King Richard the Second's time, and by his order: yet the articles themselves are preserved in the Collect., and are as followeth, viz.—

Accorde est que Sire Edward Fitz aisnè du roy ait le government du royalme et

It is accorded that Prince Edward, the king's eldest son, shall have the govern-

soit roy couronne, pur les causes que s'ensuent:—

1. Pur ceo que la person le roy n'est pas suffisant de governer. Car en tout son temps il ad estre mene et governe per auters que ly ont mavaisement conseillez, à deshonour de ly et destruction de Saint Esglise, et de tout son people sanz ceo que il le vousist veer ou conuster lequel il fust bon ou mauvays ou remedie mettre, ou faire le vousist quant il fuit requis par les grants et sages de son royalme, ou souffrir que amende fuist faite.

2. Item, par son temps il ne se voloit doner à bon counsel, ne le croire, ne à bon government de son royalme, mes se ad done tous jours as ouvrages et occupations nient convenables, enterlessant l'esploit des besoignes de son royalme.

3. Item, par defaut de bon government ad il perdu le royalme d'Escoce et auters terres et seigneuries en Gascoine et Hyrland, les queux son pere le leisa en pees et amistè du roy de France, et dets mults des auters grants.

4. Item, par sa fierte et qualte et par mauvays counsel ad il destruit saint esglise, et les persons de saint esglise tenus en prison les uns et les auters en distresce, et auxynt plusors grants et nobles de sa terre mys à honteuse mort, enprisones, exulets et desheritez.

5. Item, là ou il est tenus par son serment à faire droit à toute il ne l' ad pas volu faire, pur son propre proffitt et covetise de ly, et de ces maveis consailires, que ount este près de ly, ne ad garde les auters points del serment qu'il fist à son coronement, si come il fuest tenus.

6. Item, il deguerpist son royalme et fist tant come en ly fust que son royalme et son people fust perduz, et que pys est, pur la cruaute de ly et defaute de sa personne il est trove incorrigible saunz esperance de amendment, les queux choses sont si notoires, qu'ils ne pount este desdits.

For these causes, de consilio et assensu omnium prælatorum, comitum et baronum et totius communitatis regni amotus est à ment of the kingdom, and be crowned king for the causes following:—

1. For that the person of the king is insufficient to govern: For that during his whole reign he has been led and governed by others, who have given him evil council, to his dishonour and the destruction of holy church, and of all his people; he being unwilling to consider or know what was good or evil, or to provide remedy even when it was required of him by the great and wise men of his realm, or suffer any to be made.

2. Also, during all his time, he would neither hearken to nor believe good council, nor apply himself to the good government of his realm, but hath always given himself over to things and occupations altogether inconvenient, omitting in the mean time the necessary affairs and business of the kingdom.

3. Also, for want of good government he hath lost the kingdom of Scotland, and other lands and territories in Gascoin and Ireland, which his father left him in peace and friendship with the French king, and with many other grandees.

4. Also, by his pride and arrogance and evil council, he hath destroyed holy church; imprisoning some persons thereof, and put others in distress. And also he hath put to a shameful death, imprisoned, and disinherited many of the great men, and nobles of the land.

5. Also, whereas he is bound by his oath to administer justice to all, he would not do it, through his own covetousness, and that of evil counsellors that were about him; neither hath he kept the other points of the oath, which he took at his coronation, as he was bound.

6. Also, he hath wasted his kingdom, and did what in him lay, that his realm and people should be destroyed; and, which is worse, by his cruelty and personal failings or defects he is found to be incorrigible, and past all hopes of amendment. All which things are so notorious, that they cannot be denied.

For these causes, by advice and assent of all the prelates, earls, and barons, and of the whole commonalty of the kingdom, he

regimine regni.—[*Apolog. Ade de Orleton*, Collect. p. 2765, 2766.]

was deposed from the government. [Apology of Adam de Orleton, Collect. p. 2765, 2766.

These proceedings against King Edward the Second are no where extant but in that author; which is the less to be wondered at, if we consider, that in King Richard the Second's time the king's parasitical court-favourites so influenced the judges; that to the question, "How he was to be punished, that moved in the parliament, that the statute should be sent for, whereby Edward, the son of King Edward, was another time indicted in the parliament," they answered, "That as well he that moved, as the other who by force of the same motion brought the said statute in the parliament-house, be as criminous and traitors worthy to be punished." V. Rastal's Statutes, 170, 171, (though for that and other extravagant, pernicious, and treasonable opinions delivered, those judges were severely punished, as is notoriously known.) And also, that it was afterwards one article of impeachment against King Richard the Second, "That he had cancelled and razed sundry records."

In King Richard the Second's time, many animosities arose from time to time betwixt him and his parliaments; insomuch, that in the eleventh year of his reign, the parliament then sitting at London, the king absented himself from them, and stayed at Eltham, refusing to come at them, and join with them in the public affairs, upon which occasion the lords and commons sent messengers to him with an address, which the historian H. Knighton sets forth at large, and which I will here give the reader a transcript of at large, because it will afford many useful inferences and observations.

Salubri igitur usi consilio miserunt, de communi assensu totius parliamenti dominum Thomam de Wodestoke, Ducem Glocestrie, et Thomam de Arundel, Episcopum Elyensem, ad regem apud Eltham, qui salutarent eum ex parte procerum et communium parliamenti sui, sub tali sensu verborum ei referentes vota eorum.

Domine rex, proceres et domini atque totus populus communitatis parliamenti vestri, cum humilimâ subjectione se commendant excellentissimo regalis dignitatis vestræ, cupientes prosperum iter invincibilis honoris vestri contra inimicorum potentiam, et validissimum vinculum pacis et dilectionis cordis vestri erga subditos vestros, in augmentum commodi vestri, erga Deum, et salutem animæ vestræ, et ad inedicibilem consolationem totius populi vestri quem regitis: Ex quorum parte hæc vobis intimamus, quod ex antiquo statuto habemus, et consuetudine laudabili et approbata, cujus contrarietati dici non valebit, quod rex noster convocare potest dominos et proceres regni atque communes semel in anno ad parliamentum suum, tanquam ad summam curiam totius regni, in

Wherefore taking wholesome advice, they sent by common assent of the whole parliament, the lord Thomas de Woodstock, Duke of Glocester, and Thomas de Arundel, Bishop of Ely, to the king, to Eltham, to salute him on behalf of the lords and commons of his parliament, who expressed their desires to the king to this effect:

"Sir, The lords and all the commons of your parliament, have themselves commended to your most excellent majesty, desiring the success of your invincible honour against the power of your enemies, and a most firm bond of peace and love in your heart towards your subjects, for your good Godwards, and the good of your soul, and to the unspeakable comfort of all your people whom you govern; on whose behalf we intimate these things to you, that it appears to us by an ancient statute, and by laudable and approved usage, which cannot be denied, that our king can call together the peers of the realm and the commons once a year to his parliament, as to the supreme court of the whole kingdom, in which all right and justice ought to shine forth without any doubt or

quâ omnis æquitas relucere deberet absque qualibet scrupulositate vel nota, tanquam sol in ascensu meridiei, ubi pauperes et divites pro refrigerio tranquillitatis et pacis, et repulsione injuriarum refugium infallibile quærere possent, ac etiam errata regni reformare, et de statu et gubernatione regis et regni cum sapientiori consilio tractare, et ut inimici regis et regni intrinseci et hostes extrinseci destruantur et repellantur, quomodò convenientius et honorificentius fieri poterit cum salubri tractatu id eo disponere et prævidere; qualiter quæque onera incumbentia regi et regno levius ad ediam communitatis supportari poterunt. Videtur etiam iis, quod ex quo onera supportant incumbentia, habent etiam supervidere qualiter et per quos eorum bona et catalla expendantur. Dicunt etiam, quod habent ex antiquo statuto, quod si rex à parliamento suo se alienaverit sua sponte, non aliquâ infirmitate, aut aliquâ aliâ de causâ necessitatis, sed per immoderatam voluntatem protervè se subtraxerit per absentiam temporis quadraginta dierum, tanquam de vexatione populi sui et gravibus eorum expensis non curans, extunc licitum omnibus et singulis eorum absque domigerio regis redire ad propria, et unicuique eorum in patriam suam remeare: Et jam vos ex longiore tempore absentâstis, et quâ de causâ nesciunt, venire renuistis. Ad hæc rex, Jam planè consideramus, quod populus noster atque communes intendunt resistere, atque contra nos insurgere moliuntur; et in tali infestatione melius nobis non videtur, quin cognatum nostrum regem Franciæ, et ab eo consilium et auxilium petere contra insidiantes, et nos ei submittere potiùs quàm succumbere subditis nostris. Ad hæc illi responderunt. Non est hoc vobis sanum consilium, sed magis ducens ad inevitabile detrimentum; nam rex Franciæ capitalis inimicus vester est, et regni vestri adversarius permaximus; et si in terram regni vestri pedem figeret potius, vos spoliare laboraret, et regnum vestrum invadere, vosque à sublimitate regalis solii expellere, quam vobis aliquatenùs manus adjutrices cum favore apponere; si, quod absit, ejus suffragio quandoque indigeretis. Ad mestain, as the sun at noonday, where poor and rich may find an infallible refuge, to enjoy the refreshments of tranquillity and peace, and for repelling of injuries; where also errors in government are to be reformed, and the state and government of king and kingdom treated upon by sage advice, and the destroying and repelling of both intestine and foreign enemies to the king and kingdom, with most convenience and honour, may be debated upon, and provided for; as also in what manner the charges incumbent upon the king and kingdom, may be borne with most ease to the commonalty. They conceive likewise, that since they bear the incumbent charges, it concerns them to inspect how and by whom their goods and chattels are expended. They say also, that it appears to them by an ancient statute, that if the king absent himself from his parliament voluntarily, not by reason of sickness, or for any other necessary cause, but through an inordinate will, shall wantonly absent himself by the space of forty days, as not regarding the vexation of his people, and their great expences, it shall then be lawful to all and singular of them to return to their own homes without the king's leave: and you have now been longer absent, and have refused to come to them, for what cause they know not." "Then," said the king, "I now plainly see, that my people and the commons design to oppose me with force, and are about to make an insurrection against me: And if I be so infested, I think the best course I can take will be to apply to my cousin the King of France, and ask his advice, and pray in aid of him against those that way-lay me, and rather to submit myself to him, than be foiled by my own subjects." To which they replied, "That counsel is not for your good, but will inevitably tend to your ruin; for the King of France is your capital enemy, and the greatest adversary that your kingdom has; and if he should set his foot within your kingdom, he would rather endeavour to prey upon you, and invade your realm, and to depose you from your royal dignity, than afford you any assistance, if, which God forbid, you should stand in need of

moriam igitur revocetis, qualiter avus vester Edwardus tertius rex, et similiter pater Edwardus princeps nomine ejus in sudore et angustiis in omni tempore suo per innumerabiles labores in frigore et calore certaverunt indefesse pro conquisitione regni Franciæ, quod eis jure hæreditario attinebat, et vobis per successionem post eos. Reminiscamini quoque qualitèr domini regni et proceres atque communes innumerabiles tam de regno Angliæ quam Franciæ, reges quoque et domini de aliis regnis atque populi innumerabiles in guerrâ illâ mortem et mortis periculum sustinuerunt, bona quoque et catalla inæstimabilia et thesauros innumerabiles pro sustentatione hujus guerræ, communes regni hujus indefesse effuderunt. Et quod graviùs dolendum est, jam in diebus vestris tanta onera iis imposita pro guerris vestris sustinendis, supportaverunt, quod ad tantam pauperiem incredibilem deducti sunt, quod nec reditus suos pro suis tenementis solvere possunt, nec regi subvenire, nec vitæ necessaria sibi ipsis ministrare, et depauperatúr regia potestas, et dominorum regni, et magnatum infelicitas adducitur, atque totius populi debilitas. Nam rex depauperari nequit, qui divitem habet populum; nec dives esse potest, qui pauperes habet communes. Et mala hæc omnia redundant non solum regi, sed et omnibus et singulis dominis et proceribus regni, unicuique in suo gradu. Et hæc omnia eveniunt per uniquos ministros regis, qui malè gubernaverunt regem et regnum usque in præsens. Et nisi manus citiùs apponamus adjutrices, et remedii fulcimentum adhibeamus, regnum Angliæ dolorose attenuabitur tempore, quo minus opinamur. Sed et unum aliud de nuncio nostro superest nobis ex parte populi vestri vobis intimare. Habent enim ex antiquo statuto, et de facto non longe retroactis temporibus experienter quod dolendum est habito, si rex, ex maligno consilio quocunque, vel inepta contumacia, aut contemptu, seu proterva voluntate singulari, aut quovis modo irregulari, se alienaverit, à populo suo, nec voluerit per jura regni et statuta ac laudabiles ordinationes cum salubri consilio dominorum et procerum regni guber-

his help." Call to mind therefore, how your grandfather King Edward III. and your father Prince Edward for him, fought indefatigably in sweat and sorrow all their days, and went through innumerable hardships of cold and heat, to acquire the kingdom of France, which by hereditary right appertained to them, and does now to you by succession after them. Remember likewise, how innumerable lords and commons of both realms, and kings and gentlemen of other kingdoms, and people innumerable, perished, or hazarded perishing, in that war; and that the commons of this realm poured out goods of inestimable value, and innumerable sums of money, for the carrying on of that same war; and, which is more to be lamented, they have now in your days undergone such heavy taxes towards the maintaining of your wars, that they are reduced to such incredible poverty, that they cannot so much as pay their rents for their farms, nor aid the king, nor afford themselves necessaries; and the king himself is impoverished, and the lords become uneasy, and all the people faint; for a king cannot become poor that has a rich people; nor can he be rich whose people are poor. And all these mischiefs redound not to the king only, but also to all and singular the peers of the realm, in proportion: And all these mischiefs happen by means of the king's evil ministers, who have hitherto misgoverned both the king and kingdom; and if some course be not taken, the kingdom of England will be miserably diminished sooner than we are aware. But there remains yet another part of our message, which we have to impart to you on the behalf of your people. They find in an ancient statute, that it has been done in fact not long ago, that if the king through any evil counsel, or foolish contumacy, or out of scorn, or some singular petulant will of his own, or by any other irregular means, shall alienate himself from his people, and shall refuse to be governed and guided by the laws of the realm, and the statutes and laudable ordinances thereof, together with the wholesome advice of the lords and great men of his realm, but persisting

nari et regulari, sed capitose in suis insanis consiliis propriam voluntatem suam singularem proterve exercere, extunc licitum est iis, cum communi assensu et consensu populi regni ipsum regem de regali solio abrogare, et propinquiorem aliquem de stirpe regia loco ejus in regni solio sublimare.—*H. Knighton, Coll.* 2681.

head-strong in his own hair-brained counsel, shall petulantly prosecute his own singular humour, that then it shall be lawful for them, with the common assent and consent of the people of the realm, to depose that same king from his regal throne, and to set up some other of the royal blood in his room.—*H. Knighton, Coll.* 2681.

No man can imagine that the lords and commons in parliament would have sent the king such a message, and have quoted to him an old statute for deposing kings that would not govern according to law, if the people of England had then apprehended that an obedience without reserve was due to the king, or if there had not been such a statute in being. And though the record of that excellent law be lost, as the records of almost all our ancient laws are, yet is the testimony of so credible an historian, who lived when these things were transacted, sufficient to inform us that such a law was then known and in being, and consequently that the terms of English allegiance, according to the constitution of our government, are different from what some modern authors would persuade us they are.

This difference betwixt the said king and his parliament ended amicably betwixt them, in the punishment of many evil counsellors, by whom the king had been influenced to commit many irregularities in government.

But the discontents of the people grew higher by his after-management of affairs, and ended in the deposition of that king, and setting up of another, who was not the next heir in lineal succession.

The articles against King Richard the Second may be read at large in H. Knighton, Collect. 2746, 2747, &c. and are yet extant upon record. An abridgment of them is in Cotton's Records, page 386, 387, 388, out of whom I observe these few, there being in all thirty-three.

The first was, His wasting and bestowing the lands of the crown upon unworthy persons, and overcharging the commons with exactions. And that whereas certain lords, spiritual and temporal, were assigned in parliament to intend the government of the kingdom, the king by a conventicle of his own accomplices endeavoured to impeach them of high-treason.

Another was, For that the king by undue means procured divers justices to speak against the law, to the destruction of the Duke of Gloucester, and the Earls of Arundel and Warwick, at Shrewsbury.

Another, For that the king against his own promise and pardon, at a solemn procession, apprehended the Duke of Gloucester, and sent him to Calais, there to be choaked and murdered; beheading the Earl of Arundel, and banishing the Earl of Warwick, and the Lord Cobham.

Another, For that the king's retinue, and a rout gathered by him out of Cheshire, committed divers murders, rapes, and other felonies, and refused to pay for their victuals.

Another, For that the crown of England being freed from the pope, and all other foreign power, the king notwithstanding procured the pope's excommunication on such as should break the ordinances of the last parliament, in derogation of the crown, statutes, and laws of the realm.

Another, That he made men sheriffs, who were not named to him by the great offi-

cers, the justices and others of his council; and who were unfit, contrary to the laws of the realm, and in manifest breach of his oath.

Another, For that he did not repay to his subjects the debts that he had borrowed of them.

Another, For that the king refused to execute the laws, saying, That the laws were in his mouth and breast, and that himself alone could make and alter the laws.

Another, For causing sheriffs to continue in office above a year, contrary to the tenor of a statute-law, thereby incurring notorious perjury.

Another, For that the said king procured knights of the shires to be returned to serve his own will.

Another, For that many justices, for their good counsel given to the king, were with evil countenance and threats rewarded.

Another, For that the king passing into Ireland, had carried with him, without the consent of the estates of the realm, the treasure, reliques, and other jewels of the realm, which were used safely to be kept in the king's own coffers from all hazard; and for that the said king cancelled and razed sundry records.

Another, For that the said king appeared by his letters to the pope, to foreign princes, and to his subjects, so variable, so dissembling, and so unfaithful and inconstant, that no man could trust him that knew him; insomuch, that he was a scandal both to himself and the kingdom.

Another, That the king would commonly say amongst the nobles, that all subjects' lives, lands, and goods were in his hands without any forfeiture; which is altogether contrary to the laws and usages of the realm.

Another, For that he suffered his subjects to be condemned by martial law, contrary to his oath, and the laws of the realm.

Another, For that whereas the subjects of England are sufficiently bound to the king by their allegiance, yet the said king compelled them to take new oaths.

These articles, with some others, not altogether of so general a concern, being considered, and the king himself confessing his defects, the same seemed sufficient to the whole estates for the king's deposition, and he was deposed accordingly.

The substance and drift of all is, that our kings were anciently liable to, and might lawfully be deposed for oppression and tyranny, for insufficiency to govern, &c. in and by the great council of the nation, without any breach of the old oath of fealty, because (to say nothing of the nature of our constitution) express and positive laws warranted such proceedings: And therefore the frame of our government being the same still, and the terms of our allegiance being the same now that they were then, without any new obligations superinduced by the oaths of allegiance and supremacy, a king of England may legally at this day, for sufficient cause, be deposed by the lords and commons assembled in a great council of the kingdom, without any breach of the present oaths of supremacy or allegiance. *Quod erat demonstrandum.*

MANTISSA.

When Stephen was King of England, whom the people had chosen rather than submit to Maud, though the great men of the realm had sworn fealty to her in her father's life-time, Henry Duke of Anjou, son of the said Maud, afterwards King Henry the Second, invaded the kingdom *anno Dom.* 1153, which was towards the latter end of King Stephen's reign; and Theobald, Archbishop of Canterbury, endeavoured to mediate a peace betwixt them, speaking frequently with the king in private, and sending many

messages to the duke; and Henry, Bishop of Winchester, took pains likewise to make them friends. *Factum est autem, ut mense Novembris, in fine mensis, ex præcepto Regis et Ducis, convenirent apud Wintoniam Præsules et Principes Regni, ut et ipsi jam initæ paci præberent assensum, et unanimiter juramenti sacramento confirmarent,*[1] i. e. It came to pass, that in the month of November, towards the latter end of the month, at the summon of the king and of the duke, the prelates and great men of the kingdom were assembled at Winchester, that they also might assent to the peace that was concluded, and unanimously swear to observe it.

In that parliament the duke was declared King Stephen's adopted son, and heir of the kingdom, and the king to retain the government during his life.

I observe only upon this authority, that there being a controversy betwixt the king and the duke, which could no otherwise be determined and settled but in a parliament, the summons of this parliament were issued in the names of both parties concerned.

Quisquis habet aures ad audiendum, audiat.

Min Heer T. Van C.'s Answer to Min Heer H. Van L.'s Letter of the 15th of March, 1689; representing the true Interests of Holland, and what they have already gained by our Losses.

The principal hold which the malcontents had upon the passions and prejudices of the English nation, was by exaggerated complaints of King William's partiality for his countrymen. The Dutch mean time were not without their suspicions, though perhaps they had less real foundation.

"His majesty," according to the historian we have often quoted, "was indeed as good a Dutchman as ever, though no better republican. When he was on the point of taking possession of the English throne, he had communicated the glad tidings by letter to his good friends the States, assuring them withal, That his new dignity, instead of diminishing his affection for the republic, or his concern for its preservation and prosperity, would enable him to discharge the duty of *Stadtholder* with more weight and success than before; and that he would make it the business of his reign to establish and maintain a perfect intelligence between the two states. Possibly there was a secret stipulation, that in case he succeeded in his designs in England, he should forego the stadtholdership; and possibly it was in this expectation that the Louvestein faction, his ancient enemies, had co-operated in the expedition with as much zeal as his own. It is certain that this dispatch was no sooner received in Holland than his enemies there spoke of him with more bitterness than ever, giving out, that he had stript the republic of its money, ships, and troops, not only to make himself master of England, but to reduce his own country also to a blind submission to his sovereign will and pleasure: and hence he lay under a sort of necessity to expedite the payments of the Dutch demands, and even to admit them to a share of the profit of his voyage, to maintain his credit at home."—RALPH, II. 80.

This pamphlet was written to excite the public jealousy of William's preferences in favour of Holland and its inhabitants.

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[1] Collect. page 1374, 1375.

Sir,

You may think me very rude in making no quicker a return to your obliging letter; but the truth on't is, my apprehensions at that time lest the late King James should return, by the aid of the French and Irish, were so great, that they blinded my understanding, and made me so stupid, that I could not see any probable appearance of those glorious advantages which you affirmed would accrue to our country, though he should regain his kingdoms, and force his present majesty to abdicate as he had done; and therefore I declined writing, till actions might convince us whether you or I were in the right.

But now, sir, I must confess my error, and acknowledge that we almost feel what you then foresaw. 'Tis true we have some amongst us who are still as blind as I was then, and these occasion no small divisions here as well as with you, and an inclination in some persons to renounce his authority, and acknowledge him no more to be our stadtholder. Against these I oppose your arguments, and many more of my own, which I shall here subjoin, hoping they may be of use with you, and have the same effect they begin to have with us. For I assure you, sir, our leading men begin now to look upon him with another eye; and they who consider what he has hitherto done, what he is now acting, and what we have just reason to hope he will effect to our advantage, before he quits them and returns, are ready to prepare golden statutes for him, as for one that has procured us a long wished for liberty at sea, freed his native country from the greatest obstacles to their trade, suppressed those who have always been the objects of our envy, rendered them for ever uncapable of standing in competition with us, diverted the channel of traffick to our own merchants, and all this in one year's time, without any charge to us; nay, on the contrary, with a considerable reward from our adversaries for their own destruction. To evince all which,

I. First, I shew them the good he has done for us.

In order to which, I beg of them to consider the condition we were in before this revolution, and to compare it with that we are in at present.

'Tis certain England had robbed us of our trade in the two last kings' reigns, who by an unlucky neutrality had made the stream of traffick run that way. 'Tis certain also the late King James was taking most mischievous measures to continue and augment their trade, and ruin ours; for if the liberty of conscience, which he was going to establish, had not been prevented, the most considerable of our merchants (who live amongst us because they are not molested in the free exercise of their religion) would have removed, and drawn their effects to England, where the ports being more secure, they would, without hazarding their religion, have run less danger of their goods. 'Tis manifest also, and foreseen by our wise men, that (whilst it was impossible for us to stave off a war with France) K. James, whose industry and application to the advancement of trade made him embrace all occasions to encourage it, would have preserved a neutrality to our utter ruin. These, and many other considerations, (as I affirm,) made us willing to pluck the thorn out of our own foot and put it into another's; and therefore, after much consultation, nothing was found so expedient as to heighten the divisions in England, and join with the mal-contents. So that what the ridderscap, (*i. e.* nobility,) together with the deputies of other cities, have here lately alledged against the resolutions of the city of Amsterdam [p. 6, 7.] is now manifest, though formerly kept as a secret, and stoutly denied to the late king by our ambassador in England, that the "prince did not undertake that expedition without the previous communication, full approbation, and good pleasure of the states; and that the States-General were moved so considerably to assist him therein principally for the liberty and prosperity of our dear native country."

Moreover, I tell them in our state words, [pag. 9.] "That this expedition having

been effected by the assistance of the arms of the States-General, and with an aim at the saving of the state, ought not to be accounted a foreign expedition." And that [pag. 7.] seeing "by the admirable providence of Almighty God, under the wise and valiant conduct of his majesty of Great Britain, it had that success which is known to all the world, the states expect no other but that it should necessarily tend to a narrower and stricter union of these kingdoms with this state, and that the states shall be thereby made more fit and able to grapple with all the ill designs with which the enemies of these lands have threatened us."

Having thus represented to them the condition we were in, and the benefit we hoped to reap by the expedition, I proceed to shew that we were not out in our politicks, and that however his present majesty has behaved himself to others, he has still been true to our interest, and faithful to the promises he has made us.

And to prove this, I shew them how careful he has been (notwithstanding the urgent occasions he has had for money) to repay us the 600,000*l.* which our states laid out upon the expedition; whereas, being now K. of England, he might, with justice enough, have discounted it upon the old scores betwixt us and that nation ever since Queen Elizabeth's protection.

How speedily he sent us succours; 12,000 of their best men to weaken their strength and fortify us, even before he took care to establish his own footing in Scotland, or proceed to the reduction of Ireland.

How careful he has been to put the strongest places of trust into the hands of our countrymen, or at least such as our ambassadors and the Earl of Portland were secure of, who, in case of a turn of times, will be able to hold them out till we can pour in fresh supplies.

How religiously he has observed his promise of making no advance without the advice and approbation of our ambassadors and Min Heer Bentingh, to whom he has caused all the strength and weakness, together with all the commodious ports, landing places, and creeks of that kingdom, to be imparted.

How by their advice he has dispersed the English troops, some even to both the Indies, that he may more easily govern by a foreign force, and have no dependence upon such as had no regard to their natural allegiance, and repeated oaths of fidelity, to a prince that loved them.

I also represent to them the condition of the English fleet and merchants: How many thousands have died this summer for want of wholesome provisions, and even through scarcity of them also (which destruction of seamen is of mighty importance to us) how many men of war have been lost. How the merchant-men have had their seamen pressed from their ships, and by that, and embargoes and storms this year, have lost above two millions: and desire them to consider, that he who has been brought up amongst us, is not a stranger to what belongs to a fleet and trade; so that the miscarriages of both these cannot be attributed to his want of judgment or application, but to a further design of weakening that kingdom, and advancing us.

I tell them how he was once going to remove all, or most of the English captains of ships, and put ours in their places, which had certainly been done, but that it would too soon have made the secret known to the nation.

I also shew them, that notwithstanding the vast stock he has in bank amongst us, he has been so cautious, both for his own concern and ours, as not to touch one penny of it, but has made the people of England furnish him even beyond their powers, and yet runs daily in debt there for stores and provisions, nay, even for his soldiers' pay; by which means, if he increase not his own stock, (of which I have at present no positive account,) he at least impoverishes them to our wish, so that hereafter they will be able to do nothing without our assistance.

'Tis true he has given out there, that the Earl of Portland is to draw 20,000*l.* o u t of

his stock in the East India trade; but we know when that money was sent from England, and what plate was melted down to help to make up the sum, and that this at least shall be hereafter added to his bank is more than probable.

These things I demonstrate to them as done for us, and then shew what benefit we have already reaped by these proceedings.

That we have (as I said before) established our interest upon a firm and lasting foundation, by their utter ruin, being now masters of the whole trade of the inhabitable world.

That whilst he has denied convoys to their merchant ships, pressed their seamen, and, after promises to the contrary, clapped embargoes upon all their outward-bound ships, we have sent out ours with all freedom, and have by that means got the choice of all foreign commodities at easy rates, if not the sole emption of them, and vented our own at our own price.

That by these means, and his permitting us to carry all sort of commodities into England in our own bottoms, our country is enriched by this year's war treble to what we expended for the expedition, besides the prospect of a perpetual enjoyment of a free sea and traffick: nay, we may hope in time (as I shall shew hereafter) to ride masters of the British sea, and make them lower their topsails to us.

II. In the second place, to shew what he is now doing to our advantage, I tell them that I need only mention these actions, by which 'tis manifest he has our interest in his eye, and uses all means to give us a lasting insurance of all these good things he has procured for us; but, besides all these, has he not moreover sent the Earl of Portland amongst us with fresh proposals, if we will further lend him our assistance?

Are not these proposals so advantageous to our interest, that our states, who know them, are more than willing to assist him with greater numbers of men and ships this summer than they did the last? Again,

Does he countenance their merchants, or hearken to their proposals for the advancement of trade, any more now than he did the last year?

Is he not raising fresh recruits, and daily sending them hither in exchange for ours? And does he not pay both the one and the other, (or at least engage for the payment,) by which a good part of our army is maintained for us? Has he not all the last summer been at two-thirds of the charges for maintaining the war by sea, notwithstanding that it was principally entered into upon our accounts, and that we are likely to be the only gainers?

Has he not of late prorogued and dissolved their parliament, that he may espouse the church of England's interest, by which means the liberty of conscience we so much dread can never be established, and by which means all conscientious dissenters will, with the Jews, be again forced to take their retreat amongst us?

Are not these, and many more, which he does for us, and permits us to do for ourselves, such things as no kings of England would ever have suffered, and such as would have caused a war betwixt our states and them? And yet these things he does for us, and has done, and we are not satisfied. Let us, therefore, see,

III. Thirdly, and lastly, what good we may hope he will do for us, if we obstruct not his designs.

This depends much upon future contingencies, and measures are taken to fit all occasions.

If he find it possible to maintain his ground against the late King James, and the power of France, he knows it cannot be without our help, and our confederates assistance; and we know upon what terms we will lend him such as will be efficacious. We have (as I have already mentioned) long wished for a *mare liberum*, and could not endure the kings of England should be kings at sea, and make us lower our topsails to them, or be subject to such laws as they prescribed. And will we, think you, lose so happy an opportunity of stripping them of that prerogative, or, if we can, of making

use of it ourselves? We know he is of a changeable humour, but yet we know also his ambition, and he cannot gratify his pride without being kind to us, and no kindness can endear so much as to give us up that prerogative by which we may have a free sea, and a plentiful trade above our competitors.

For this it is our states are now labouring, and I hope all the opposition some of them seem to make, is but to facilitate this and the other concessions we would have.

But if he find it impossible for him to keep the throne, (as it is most likely,) his designs we now know are what you formerly told me, To fleece that proud and pampered nation, and leave them neither men nor money, nor ammunition, nor ships, nor any thing to enable them to make war against us, or carry on a trade.

Indeed, by all appearances, we may conjecture that he gives up the crown as lost, and that this is the reason why he has already emptied the forts of arms and ammunition, the exchequer of money, and his palace of plate, furniture, and jewels. He has borrowed immense sums of the merchants, and is still borrowing more, and yet pays nobody, scarce his own guards, because 'tis supposed he reserves a city plunder for their recompence. He has prepared 500 waggons, under pretence to go for Ireland, but we know that measures are already laid how (if King James should land and the nation return to their allegiance) he may carry off all the booty with the remainder of our army, and a considerable part of the fleet, and return to his dear native country, which will then receive him with open arms, notwithstanding all jealousies that are now cast amongst us. I am,

Min Heer,

The Hague, Feb. 15, 1690. Yours T. Van C.

A Letter to a Member of the Committee of Grievances, containing some seasonable Reflections on the present Administration of Affairs, since managed by Dutch Councils.

It was almost an inevitable consequence of the Revolution, that the new government, in order to maintain itself, was obliged to adopt measures of force and severity too much resembling those which had incensed the nation against James II. But the difference lay here, that these severities were only incidental to the times, whereas James's were founded upon a systematic perversion of the laws of the kingdom, attempted without having provocation, far less necessity, for their apology.

Sir,

If you have read or heard of the changes between 1640 and 1660, you cannot be surprised at the accidents between 78 and 89. The pretences, the successes, the methods used and had in both are so exactly agreeable, that the last would have been impossible, but that the same men who did procure the first have occasioned the latter: The designs we observe to be the same, and we begin to feel the consequences much like the other, or rather worse. To insist on the parallel, is as needless as to shew their

malignity: It is enough now for us to bethink ourselves how we have been twice gulled and cheated by those men already. It is true, grievances we have had, and still have, and must expect more, as long as those are at the helm, who when they had forfeited their own interest and share in public administrations, complained of every thing which others did; until, by murmurs, lies, libels, lampoons, and ballads, they had made others as uneasy as themselves; that during a convulsion of state they might mount the saddle, and ride us all, and with a vengeance, as they now do. Their pretences were specious, but false. In their pamphlets they complained of falsehood and insincerity, yet never shewed us the mother of the Prince of Wales brought over in the Dutch fleet: the original league under King James's own hand with the French king, to cut protestants throats; or the two witnesses of Essex's murder, as they promised to us. They complained of sham stories put upon the people; yet they published and gained more by a third sham declaration, than by the former; a sham paper of a fight in Ireland between papist and protestant, of 6000 killed of one party, and 4000 of the other; and industriously sent men at midnight to the several corners of the town to alarm the city with fears of a massacre from the Irish, and the same throughout the country; sham stories of the Dutch taking King James, and carrying him to Holland; sham papers of his death, and those licensed by authority. They complained of a breach of promise, and a variance between the declaration at council-board on the 6th of February, 1685, on the behalf of the church of England, and the Declaration for Liberty of Conscience; but will not now remember the harmony between the promise to the London clergy on the 20th of February last, for the support of the church's establishment, and "that they might depend on it;" and the speech made in parliament the 16th of March, for to capacitate all persons, not excepting atheists, fifth monarchymen, &c. to enjoy all the preferments and offices in the nation. They feared unqualified men should come into parliament, yet have admitted persons outlawed and attainted to it. They feared members would not take the oaths in King James's parliament, but themselves never took the new ones in eight days after they had made them, when by their own law none was to sit or vote till that was done; and yet they sat and acted all that time, and passed the money bill, which now hath relation to a day, when by an act of parliament, 30 Car. II. cap. 1. it appears they were not qualified to make it. They complained of court officers being members of parliaments; yet have solicited and procured the choice of many such, when for their turn. They did complain of judges not taking the oaths; but have made several without swearing allegiance, as the statute of King James I. requires at the time of taking the oath of office. They complained of judges patents, that they were not during good behaviour; but make all their own grants *durante bene placito*, even such as were usually for life, as the master of the rolls and the like. They complained of lewd and scandalous persons employed and encouraged with public offices; yet preferred an outlaw, viz. R. F., to be housekeeper to the excise-office, and many others. They complained of turning out English officers to gratify the Irish with their employments; but they are excusable to take the bread out of the mouths of hundreds of English protestants, to feed foreigners in their places. They complained of causeless removals of persons from public places; but the bitter cries of many numerous families, depending for a livelihood upon the late owners of those employs, shew what the practice now is. They complained of closetting; but have removed several for voting according to their consciences, as the Duke of Grafton, &c. They complained of billetting soldiers upon public-houses against the owners will; but still do the same thing. They complained of hanging soldiers for desertion as felons; but after long threats have now made a law, "That whosoever shall excite, cause, or join in any thing they shall call mutiny or sedition, or shall desert, shall suffer death, or such other punishment as by a court-martial shall be inflict-

ed." They complain of a popish army; but don't assign any difference between one papist and another, while they maintain 4000 foreigners of that persuasion at the protestants charge. They complained of not taking the tests; but would not allow any term or sessions to take them in. They complained of passive obedience as an unreasonable, foolish, and impertinent doctrine; but now it is treasonable to deny it. They complained of the buying of places, yet they themselves sell all, nay, turn out all that will not pay a year's value. They complained of the treasonable collecting of the revenue after King Charles II.'s death, yet receive it without an act of parliament, and after it is devolved to the people by the abdication, as was agreed by all the lawyers in the house the first day, though the case was altered, and they changed their opinions five weeks after. They complained of oppressive subsidies; but give to the Dutch above half a million of money, even without examination of accounts, when in justice they ought to have paid us much more, being gainers by the diversion of this year's storm from themselves, by making us the seat of war to preserve their own peace. They complained of a breach upon Englishmen's liberties, by long imprisonments, for want of excessive bail demanded in evasion of the *habeas corpus* act; but themselves have absolutely suspended it, though it is hoped they may live to repent of the precedent, as an argument hereafter for the like or a longer suspension upon an alledged necessity. They complained of the encouragement given to a gentleman for writing an Observator; but themselves have maintained a Gazetter and a Remarker, which is two to one. They complained of Johnson's usage for writing a book, viz. Julian the Apostate; but gaoled the author of a sheet of paper, viz. The Desertion discussed. They complained of Sir Thomas Armstrong's execution without the aid of a jury, though in pursuance to a statute, viz. 5 Edw. VI. cap. 11. yet threaten others with attainders, without calling them to answer, though in prison and at forthcoming. They complained of unjust accusations and persecutions; yet Sir John Moor was prosecuted before a small committee, consisting chiefly of such persons who were his accusers, or unqualified for acting according to the known customs and usages of the city. They complained of the decay of English trade; and yet Dutch foreigners are encouraged and employed to import goods, which by law ought to be done by English bottoms only. They complained of breach of the laws, but have forgot what the law says, that there can be no *interregnum*, and that a father is elder than a child, that an uncle is preferable to a nephew, a brother before his sister, in case of inheritances. They are very pressing for a bill of comprehension and indulgence; yet are about to impose their new oaths of allegiance with the utmost rigour; hoping to raise money, or imprison or ruin all those who make conscience of their oaths to King James. And instead of preserving our properties, a fourth part of the money of the nation will scarce serve for a present supply to secure their usurpations. Thus you see what are our grievances, and how we are relieved.

Juv. Sat. 13.

Committunt eadem diverso crimina fato;
Ille crucem pretium sceleris tulit, hic diadema.

With different fates men act the self-same crimes,
Whilst one's reward's a cross, the other's a diadem.

The Earl of Sunderland's Letter to a Friend in the Country, plainly discovering the Designs of the Romish Party and Others, for the subverting of the Protestant Religion, and the Laws of the Kingdom.

Licensed and entered, March 23, 1689.

Robert Spenser, Earl of Sunderland, makes too prominent a figure during the reign of James II. The indecent readiness with which he changed his religion to that of the king, and his treachery in pushing the unfortunate James upon every unpopular measure, combined with his sudden retirement to Holland on the eve of the Revolution, and the publication of this letter, in order to increase the public odium against his indulgent and too partial master, can never be exculpated or explained away. He reaped the reward of his treachery, being made lord chamberlain of the household to King William. But being supposed to be inimical to a standing army, he was obliged to resign his office, and retire to the country in the year 1697. He died at his country seat in 1702.

To comply with what you desire, I will explain some things which we talked of before I left England. I have been in a station of great noise, without power or advantage whilst I was in it, and to my ruin now I am out of it. I know I cannot justify myself by saying, though it is true, that I thought to have prevented much mischief; for when I found that I could not, I ought to have quitted the service: Neither is it an excuse that I have got none of those things which usually engage men in public affairs: My quality is the same it ever was, and my estate much worse, even ruined, though I was born to a very considerable one, which I am ashamed to have spoiled, though not so much as if I had increased it by indirect means. But to go on to what you expect: The pretence to a dispensing power being not only the first thing which was much disliked since the death of the late king, but the foundation of all the rest, I ought to begin with that which I had so little to do with, that I never heard it spoken of till the time of Monmouth's rebellion, that the king told some of the council, of which I was one, that he was resolved to give employments to Roman catholicks, it being fit that all persons should serve who could be useful, and on whom he might depend. I think every body advised him against it, but with little effect, as was soon seen: that party was so pleased with what the king had done, that they persuaded him to mention it in his speech at the next meeting of the parliament, which he did, after many debates, whether it was proper or not, in all which I opposed it, as is known to very considerable persons, some of which were of another opinion, for I thought it would engage the king too far, and it did give such offence to the parliament, that it was thought necessary to prorogue it. After which the king fell immediately to the supporting the dispensing power, the most chimerical thing that was ever thought of, and must be so till the government here is as absolute as in Turkey, all power being

included in that one. This is the sense I ever had of it, and when I heard lawyers defend it I never changed my opinion or language; however it went on, most of the judges being for it, and was the chief business of the state, till it was looked on as settled. Then the ecclesiastical court was set up, in which there being so many considerable men of several kinds, I could have but a small part; and that after lawyers had told the king it was legal, and nothing like the High Commission Court, I can most truly say, and it is well known, that for a good while I defended Magdalen College purely by care and industry, and have hundreds of times begged of the king never to grant mandates, or to change any thing in the regular course of ecclesiastical affairs, which he often thought reasonable, and then by perpetual importunities was prevailed upon against his own sense, which was the very case of Magdalen College, as of some others.

These things which I endeavoured, though without success, drew upon me the anger and ill will of many about the king. The next thing to be tried, was to take off the penal laws and the tests, so many having promised their concurrence towards it, that his majesty thought it feasible, but he soon found it was not to be done by that parliament, which made all the catholicks desire it might be dissolved, which I was so much against, that they complained of me to the king, as a man who ruined all his designs by opposing the only thing could carry him on; liberty of conscience being the foundation on which he was to build. That it was first offered at by the Lord Clifford, who by it had done the work, even in the late king's time, if it had not been for his weakness, and the weakness of his ministers; yet I hindered the dissolution several weeks, by telling the king that the parliament in being would do every thing he could desire, but the taking off the penal laws and the tests, or the allowing his dispensing power; and that any other parliament, though such a one could be had as was proposed, would probably never repeal those laws; and if they did, they would certainly never do any thing for the support of the government, whatever exigency it might be in. At that time the King of Spain was sick, upon which I said often to the king, that if he should die, it would be impossible for his majesty to preserve the peace of Christendom; that a war must be expected, and such a one as would chiefly concern England; that if the present parliament continued, he might be sure of all the help and service he could wish, but in case he dissolved it, he must give over all thoughts of foreign affairs, for no other would ever assist him but on such terms as would ruin the monarchy; so that from abroad, or at home, he would be destroyed, if the parliament were broken, and any accident should happen, of which there were many, to make the aid of his people necessary to him. This, and much more, I said to him several times privately, and in the hearing of others; but being overpowered, the parliament was broke, the closetting went on, and a new one was to be chosen; who was to get by closetting I need not say, but it was certainly not I, nor any of my friends; many of them suffered, who I would fain have saved; and yet I must confess with grief, that when the king was resolved, and there was no remedy, I did not quit, as I ought to have done, but served on in order to the calling another parliament. In the midst of all the preparations for it, and whilst the corporations were regulating, the king thought fit to order his declarations to be read in all churches, of which I most solemnly protest I never heard one word till the king directed it in council: that drew on the petition of my lord the Archbishop of Canterbury, and the other lords the bishops, and the prosecution which I was so openly against, that by arguing continually to shew the injustice and imprudence of it, I brought the fury of the Roman catholicks upon me to such a degree, and so unanimously, that I was just sinking; and I wish I had then sunk: But whatever I did foolishly to preserve myself, I continued still to be the object of their hatred, and I resolved to serve the publick as well as I could, which I am sure most of the considerable protestants then at court can testify, and so can one eminent man of the coun-

try whom I would have persuaded to come into business, which he might have done to have helped me to resist the violence of those in power; but he despaired of being able to do any good, and therefore would not engage. Some time after came the first news of the prince's designs, which were not then looked on as they have proved, nobody foreseeing the miracles he has done by his wonderful prudence, conduct, and courage; for the greatest thing which has been undertaken these thousand years, or perhaps ever, could not be effected without virtues hardly to be imagined till seen nearer hand. Upon the first thought of his coming, I laid hold of the opportunity to press the king to do several things which I would have had done sooner; the chief of which were to restore Magdalen College, and all other ecclesiastical preferments, which had been diverted from what they were intended for, to take off my Lord Bishop of London's suspension, to put the countries into the same hands they were in some time before, to annul the ecclesiastical court, and to restore entirely all the corporations of England: These things were done effectually by the help of some about the king; and it was then thought I had destroyed myself, by engaging against the Roman catholick party, to such a height as had not been seen; they dispersed libels of me every day, told the king that I betrayed him, that I ruined him by persuading him to make such shameful condescensions; but most of all, by hindering the securing the chief of the disaffected nobility and gentry, which was proposed as a certain way to break all the prince's measures, and by advising his majesty to call a free parliament, and to depend upon that rather than upon foreign assistance. It is true I did give him those councils which were called weak to the last moment he suffered me in his service; then I was accused of holding correspondence with the prince, and it was every where said amongst them, that no better could be expected from a man so related as I was to the Bedford and Leicester families, and so allied to Duke Hamilton and the Marquis of Halifax. After this accusations of high treason were brought against me, which, with some other reasons relating to affairs abroad, drew the king's displeasure upon me, so as to turn me out of all without any consideration, and yet I thought I escaped well, expecting nothing less than the loss of my head, as my Lord Middleton can tell, and I believe none about the court thought otherwise; nor had it been otherwise if my disgrace had been deferred a day longer; all things being prepared for it, I was put out the 27th of October, the Roman catholicks having been two months working the king up to it without intermission, besides the several attacks they had made upon me before, and the unusual assistance they obtained to do what they thought so necessary for the carrying on their affairs, of which they never had greater hope than at that time, as may be remembered by any who were then at London. But you desired I would say something to you of Ireland, which I will do in very few words, but exactly true.

My Lord Tyrconnell has been so absolute there, that I never had the credit to make an ensign, or keep one in, nor to preserve some of my friends, for whom I was much concerned, from the least oppression and injustice, though I endeavoured it to the utmost of my power; but yet with care and diligence, being upon the place, and he absent, I diverted the calling a parliament there, which was designed to alter the acts of settlement. Chief Justice Nugent and Baron Rice were sent over with a draught of an act for that purpose, furnished with all the pressing arguments could be thought on to persuade the king, and I was offered forty thousand pounds for my concurrence, which I told to the king, and shewed him at the same time the injustice of what was proposed to him, and the prejudice it would be to that country, with so good success, that he resolved not to think of it that year, and perhaps never. This I was helped in by some friends, particularly my Lord Godolphin, who knows it to be true, and so do the judges before named, and several others.

I cannot omit saying something of France, there having been so much talk of a league between the two kings. I do protest I never knew of any; and if there were such a

thing, it was carried on by other sort of men last summer. Indeed French ships were offered to join with our fleet, and they were refused; since the noise of the prince's design more ships were offered, and it was agreed how they should be commanded if ever desired. I opposed to death the accepting of them, as well as any assistance of men, and can say most truly that I was the principal means of hindering both, by the help of some lords, with whom I consulted every day, and they with me, to prevent what we thought would be of great prejudice, if not ruinous, to the nation. If the report is true, of men, ships, and money, intended lately for England out of France, it was agreed upon since I was out of business, or without my knowledge; if it had been otherwise, I believe no body thinks my disgrace would have happened. My greatest misfortune has been to be thought the promoter of those things I opposed and detested, whilst some I could name have been the inventors and contrivers of what they have had the art to lay upon others; and I was often foolishly willing to bear what my master would have done, though I used all possible endeavours against it. I lie under many other misfortunes and afflictions extreme heavy, but I hope they have brought me to reflect on the occasion of them, the loose, negligent, unthinking life I have hitherto led, having been perpetually hurried away from all good thoughts by pleasure, idleness, the vanity of the court, or by business:—I hope, I say, that I shall overcome all the disorders my former life had brought upon me, and that I shall spend the remaining part of it in begging of Almighty God that he will please either to put an end to my sufferings, or to give me strength to bear them, one of which he will certainly grant to such as rely on him, which I hope I do with the submission that becomes a good Christian. I would enlarge on this subject, but that I fear you might think something else to be the reason of it, besides a true sense of my faults, and that obliges me to restrain myself at present. I believe you will repent in having engaged me to give you this account, but I cannot the doing what you desire of me.

An Honest Commoner's Speech.

The whigs, as well as the tories, joined their jealousies and complaints to embarrass the government of William III. The former began to reflect with dissatisfaction, that they had in a great measure missed the opportunity which the Revolution afforded them, of narrowing the royal prerogative, and that in their hurry to place on the throne a king after their own heart, they had omitted to make those stipulations against arbitrary power, which had been their principal object in inviting the Prince of Orange to Britain. Thus vexed at their own precipitance, displeased with the share of favour extended to Nottingham, and some other leading tories, and not much conciliated by the cold and military hauteur of the new king, they lent their aid to the Jacobites, to disturb an administration which was chiefly formed from their own party, and to embitter the government of a monarch whom they themselves had raised to the throne. The following treatise is an illustration of their views and sentiments at this period.

WHERE the king ends his speech I will begin mine. Since his majesty himself tells us, "That we have such an opportunity now to settle the future quiet and prosperity

of these kingdoms, and all Europe, as we can never hope to see again," we ought, I think, to believe him, and apply it the best way we can to a common safety. Give me leave, therefore, to say and press you, by all that is dear to you; your liberties, your honour, your posterity, that having but one throw more for your lives, for your all, you trifle not, you mistake not, you misuse not this opportunity. "Charity begins at home;" it is a sensible proverb, and never more seasonable; and to instruct ourselves the best we can, allow me to look back a little into former reigns.

The struggle that has been in these kingdoms since the latter end of King James the First's time, between the court and country party, cannot, I am sure it ought not, to be unknown to any member that has the honour of sitting in parliament; for nothing is more instructive and accomplishing to the persons that compose it. We shall find an endeavour in the court to grow upon the rights and privileges of the people, and a most flattering clergy ever ready to stamp all these attempts, under the banner of prerogative, with their *jure divino*. I will not run into their history, that of the Star-chamber shall prevent me, to be had at every bookseller's; there cannot be a worse nor a truer. It leads me to pity kings, and excuse them, for their errors of their government are rarely their own; they see and hear by other men's eyes and ears; and as they are interested, kings are abused, and royal authority dishonourably employed. It has been the endeavour as well as duty of the sovereign council of this kingdom to give a check to these abuses, by representing freely to their kings the law, the constitutions, what they may and may not do, what is his, and what is theirs, their consistency and dependency, and the dangerous consequence of their adhering to such counsels, and persisting in those courses. And to the honour of the constitution, and wisdom of our parliaments be it spoken, those kings have left the fairest characters to their names, that have lived best with their parliaments; and you will find that they have been the ablest and valiantest of our princes, that have seen them oftenest and followed their advice most; but three great opportunities we have lost, which I will but hint at that you may increase your zeal, by remembering them to improve this only one that is left us, by which to retrieve the loss of them, and save all.

The first was, the concessions of King Charles I. to the nineteen propositions presented to him in the Isle of Wight, by the parliament, 1647, which the king himself assures us were not the constraint but illumination of his afflictions; for, after a series of successes against him, the houses only prayed their ancient rights of him, that though personally in their power, they desired ever to be under his legal authority, and abhorred to be thought to have their king at their mercy, but that they only redeemed him from the ill counsel of merciless and mercenary men. This opportunity was lost by the interruption of their own victorious army, which, influenced by a few superior officers that found not their account by the peace, had always the means and methods to discontent their followers against their masters, and so turned their swords upon those that paid them, and from that time fought for their leaders rather than their country; though in this the men were possibly outwitted and abused. The ill consequences of this oversight, or rather violence, were many and terrible. First, that the king's tragical death, not only a dishonour to the nation, but a beheading of the government; a preposterous disabling of the constitution, as well as an unlawful action. Secondly, from this sprung new wars with Scotland, and all over this kingdom, in Kent, Essex, Wales, and Lancashire, especially at Dunbar, Preston, and Worcester; and though the veins that were opened afresh upon this sad occasion, bled freely and largely every where, and put all parts of the kingdom into mourning, more perishing in two years of this second civil war, than in the seven years of the first; yet the fatalest part of the business was the banishment of the young princes; for when they were compelled to seek their bread among strangers, they learned their customs, and

sucked in with foreign air outlandish principles; and this naturally led them to dislike the government, as well as the people of their own country; which very consideration has sometimes obliged me to make allowances in my own reflections, upon the conduct of the brothers, who perhaps were more unhappy than faulty, and much of that owing to us ourselves. I will close this remark with saying, we had saved our king, our allegiance, our honour, our blood and treasure, and a better thing, our government, if we had improved the Isle of Wight opportunity. But some will say this was not the act of the kingdom, but of a few ambitious men; true, but the consequences were as bad; and for that reason let us have a care of victorious armies, and their ambitious leaders, while they are in our power; there is, at least, that instruction in it. But our next instance shall be of an opportunity as extravagantly lost, and with a sort of universal neglect, if not consent; and that was the restoration of his son King Charles II. For he that would have married Lambert's daughter, and returned upon almost republican principles, would certainly have thought it duty and religion to have submitted to, and performed his royal father's commissions to the privileges of the people, and power of parliaments, but this opportunity was slipt too; our extremes were so great in love and hatred, that we could not find in our hearts to observe any mean for the real good of prince and people: We would be debauched in spite to the preciseness of the party we hated, and the king should return unconditional, that we might be even with them for their unmonarchical principles. It was rebellion now to fight by his authority against his person, and treason to distinguish his politick from his personal capacity; and parliaments themselves might be disloyal, for we are told, "That our kings being sovereigns, they had no superior but God; and their people, neither collectively nor representatively, could so much as put the least restraint upon the person of their king, and that such attempts were treason within the *25 Ed. III.*, and much more, to alter the ancient frame of the government." But about *66*, being awakened out of our excesses of joy and revenge, by the nature of things, we repented too late; and after 78, we would have given half our estates, and as much of our blood too, for such an opportunity as what we had so prodigally and irrecoverably lost.

This false step we hoped to retrieve by the Bill of Exclusion, but that became abortive as it deserved; for it was purely personal in its regards, loving one man more than liberty, and hating another man more than slavery; and miserable is that people whose security is more from the temper of the magistrate than the constitution of the government. The next greatest opportunity of all was at the election of this king. He seems not to have come for a crown, but our safety; to secure the succession rather than obtain the possession: Doubtless we surprised him with the tender of it, and as one unable to resist our love, after he had overcome our fears, he submitted to the burthen of a crown, to preserve what he had procured for us; "A deliverance from our jealousies of popery and a despotic power." To do what we should have done in those former occasions, had been to save us indeed, but we lost our memory now in our joys, as we had done before; I will not say our wits, and less our morals; but that we should miss of the best part of the end of our sending for him, and his coming, has something in it so reproachful to our understandings or integrity, that it is never to be wiped off, but by improving this opportunity now in our hands, and which the king tells us is like to be the last: And since it may be the last time also that I may have the honour of speaking to you, at least so solemnly, give me leave to use all the freedom of an Englishman, and take every thing in good part, as it is meant in the greatest good will; for whatever be the success, I shall have the satisfaction of having cleared my conscience; that if the authors of our safety come hereafter to prove the

means of our destruction, the world and posterity shall know I had no hand in the tragedy.

That which I call the present opportunity is taking the advantage of the necessity of affairs, to [illegible] the government upon its true basis, and supply whatever we find defective. If any man wants an explanation, then I say, "Let us not give a penny of money till we are safe at home;" let us be out of danger from being the worse for [illegible], but let us know what is ours, how we shall keep it, and what we have in future to trust to. As the king tells us, "We must sink under the great power of France, if in this session we make not provision for a vigorous opposition to France;" so I tell you unless you secure yourselves against the very successes you hope for, your provisions may be the means of your own ruin, instead of safety. The king is a stranger to our constitution, and was nearer to the crown in blood, than to our government in his education. He is very able in military affairs, and the civil too of the place he took to be breeding in, and has better knowledge in foreign affairs than we have; but in English business it is no dishonour to him to be told his relation to us, the nature of it, and what is fit for him to do; and who should or who can do it with that freedom and authority, that we may and ought to do? And the rather, because we see how much he is influenced by ill or weak men, that are the mere creatures of power; some stained in their credit, or beggars; others covetous, and that have second broods to provide for; some voluptuous and prodigal; a vast number of foreigners that wait both for fortunes and title upon the conclusion of this war, enough to move a conqueror to ask or take more power, than is for the safety of our constitution to suffer. I cannot forget that I have read Cæsar's story, what he did with his victorious army when he returned home, and have seen something to the same purpose in our own country. The world has very few Solons, Dions, and Scipios in it; and to be very free with you, as the time and case obliges me, there are some passages I have observed since the Revolution with no little regret; the employment of unpopular and ungrateful men, the laying by the most zealous men in the change, and as able as any body to serve; the pressing in the house by ministers; the interruption of the *habeas corpus* act, though the liberty of it be declared a fundamental right; practices upon evidences, even to blood, by promises and threats, which are boots and bribes in the upright sense of this government; the general complaint of sober men, Scotchmen, of the violation of the conditions upon which they presented the king with the crown of Scotland, and the wracking of an Englishman there, against the laws of that kingdom as well as of this; and, it is said, by particular orders from hence; last of all, the danger and scandal of our administration in general, by the employment of incompetent persons, such as are suspected of falseness, or that are of known insufficiency; as often as any free or good thing is proposed, they oppose it in pretence of upholding the monarchy; and, as with this, they flatter the most dangerous and weak part of this king, so if he comes to fail they recommend themselves to King James, if he or his son succeed with the merits of supporting the crown against a commonwealth: For these reasons I am led to say, if this be the last opportunity for the king to be victorious, it may be the last opportunity for us to be free. The former princes wanted not good qualities, and were accessible upon all occasions, and extremely civil, as if they had a mind to live well with their people, but they had not power to resist the evil influences of some men about them. And though this king shews great magnanimity in the field, he is conquered daily in the cabinet; and by whom, pray, more than by him that in the worst of times was the worst of tools? and to the eternal infamy of this government, is endured at the head of affairs in a war against France, that was by the commons of England impeached upon letters under his own hand of a treacherous negociation with France. Nor is this the blackest of his crimes, and therefore not the grossest of our follies to suffer

him. His capital iniquity is at once subverting the foundations of the people of England. It is high-treason to invade the royal bed, by the laws of this kingdom, but what is it then or ought it to be to an House of Commons to practise upon their honour, to buy off the people's representatives, to pervert trust, and turn them against themselves? Next to them that took money, he must be the worst of men. This treason against the constitution, it is a dissolving fundamental trust, and legally enthralling us; it is making the people *felo de se*, to destroy themselves. What corruption so vile? What prostitution so scandalous? It is beyond example, and it seems it is above punishment, and he is used, and looks, and acts, as if he were meritorious. Shall an House of Commons endure this, and in a government under the fair character of a reformation? As if we were reconciled to the ministry and measures, that were the cause of making this bold turn. This gives me all the impressions of grief and pity, that with the dog we should return to our vomit, and like swine feed upon excrements. We offer our enemies the greatest advantages, while we let them see we can thus contradict and give ourselves the lie, and change our minds of men that are not changed; and can do any thing to serve a turn, which makes the whole look insincere and a trick; and if it were not impious, to be sure it were unwise to do so.

These are the motives that press me, and which make me so free and earnest with you, to value this last opportunity to all the advantages, the great wisdom of this house may draw thence, by a full improvement of it. Let no respects divert you, as you will answer it to God and man; I must be plain, it is a bargain you must make for your all; make it sure; the omission seems to render it irretrievable. Let not ill men and management cover itself under big words against France. You know who cries stop thief: Names should not cozen you out of this happy juncture, nor your conduct shew you will be ever prodigal of the providences that would save you. Take the king's advice, apply it wisely and quickly; he has been abroad, and has the advantage of the confederates intelligence, as well as his own, which we have reason to believe is very good; and, upon the whole matter, tells us, as the last and most important motive to us, that we have but this opportunity: Be ready, therefore, with your money, but be ready with your rights too; and, as wise parliaments have ever done, let them have the preference. I don't bid you ask why Ireland was not sooner reduced; why we had not above half as many men as we have paid for; why supplies were so long a-going, and so many unnecessary ships for tenders were chargeably continued, nor how much we are in debt after the many millions we had given, besides those the constant revenue has yielded; some say, in all, above fifteen: No, I will not be so ill-natured or unreasonable, not a word of mine shall look towards faction or disaffection, but leave all this till last; if we prosper it will be time enough: I would not hinder supplies by no means, only get into possession of your ancient rights, your so much needed and essential rights; and if it should please God the king should fail of his hopes, or fall by his enemies, you are in possession, you have ground to stand on worth defending, and that will secure you; for that itself will engage and unite all interests, because their own is involved; we must not depend upon his personal success, but our own constitutions; every one will stand up heartily for that which is his. Convince the kingdom they are the better for the change, or their heat will soon cool in supporting it; let them see their legislation and administration are secure, the first by annual parliaments without any evasion, and by free and genuine elections, which cannot be without the sheriffs are chosen by the county courts, as the coroners are, and that the fines on them for false returns, and those that sit upon them be very heavy, and appropriated out of the reach of the crown to remit, which will secure our legislation; let ministers be impeachable, and the parliament sit till the person accused be tried and acquitted, or punished; and all such criminals be unpardonable and irre-

prievable, but at their request: Provided always, that if any minister be named, as culpable by any person in parliament, he shall be obliged to make it good, or at least be dismissed the house, and made incapable of any employment in the government; and regulate trials, as to the liberty of the prisoner, the number and qualification of the witnesses as well as juries, after the manner of that bill which is depending; and hereby our administration will be in a good degree secured also.

I do further propose, that during this war a committee of lords and commons be the cabinet, and that they have the inspection of navy, army, and treasury, and the recommending of all officers employed in either capacity; the juncture calls for it. Were the king an angel, he is not omnipresent no more than omnipotent; and if he wants your power, he needs your presence, judgment, and direction; a commonwealth requires a dictator, but a monarchy the people in parliament upon great emergencies. Remember he is a king of your making, and he should be one of your influencing, if not ruling and over-ruling in such exigencies as ours. Favour or connivance in government, is for easy and not difficult times: Judge well and act vigorously, but act so as to save yourselves, your country I mean, whether this or the other king prevail; for be assured if we are in possession of our rights, we are safe against this king's victory, and King James's return, that neither shall hurt us; else you will find yourselves exposed to the ill consequence, that may follow one or t'other; Have a care of after-games, especially now, when you are told you have but one opportunity for all. I cannot but urge that in your ears, that you heard last from his mouth, as the most pressing motive to his supply. All good men are in pain for you, and particularly what part you act in this affair, and the success it may have to the felicity of the whole. God Almighty direct us, for all is at stake while both our legislation and administration are unsettled, and all will be safe to us, if we are secure at home; for it is feared, and justly, I think, that as our Saviour said, our greatest enemies are of our own house, our own family, men in office, and in government. Let King James's fate be your admonition; trust yourselves, and others shall not betray you; employ men of principles, of skill, and sobriety. For your fleet you will find them better at Ratcliff-high-way, than at Locket's, and the Blue-Posts. For the army, mix with some that you have, honest country gentlemen and citizens, that are both sober and hearty: and in every commission, see that you have only such persons as were bred up in the business of those commissions they serve in; as in the customs, merchants, in the excise, those that have been brewers and have given it over; in the admiralty, navy and victualling-offices, ancient seamen that have had good commands, and known the providing of stores for their own ships, for whom these employments should be reserved as honourable retreats, and the rewards of the government to the aged and experienced, for their former good services; who, for one half of the revenue that is now paid, would bless themselves and you. Nor should our council or cabinet be without a seaman, a soldier, a merchant, a civilian, a common lawyer, and some country gentlemen, and such as have served long and well in embassies abroad, which comprehends both domestic and foreign, civil and military affairs. Remember that prudent and instructing remark of Sir William Temple, in his Account of Holland, "That though the people in general were not as quick and witty as their neighbours, yet their government was generally wiser, because the wisest of the people governed; they chuse and prefer the ablest, which for other respects were advanced in neighbouring governments."

Would you be great or safe? Add to what we have said, the perusal of the establishment by land and sea in the Rump's time; observe by what conduct so few, and most of them but of the middle sort of men, became the admiration and terror of the world. Send for H—— that was treasurer of the navy, and B—— and D—— that were treasurers for the army in England, Scotland, and Ireland, honest and able men,

and alive, and you will see that our yearly charge exceeds both that of the civil war, and war with Holland too, when England and Scotland had armies to be paid, as well as Ireland. I say, observe proportion and judge; whatever is wanting to balance your greater expences, is due to their better conduct. Be not offended with me, but imitate and mend; the time invites us, and our station obliges us to it, and the solemn league and covenant, I mean the king's declaration, that association for the change; shall it be waste paper under it? God forbid! call for it, settle and rule by it, to be sure it is the original contract of our new government. And unpardonable are they, that after all our blood and treasure spilt and spent, (and we know not where they will stop,) shall out of fear or flattery lose the advantages promised, for want of asking and pressing the performance. I must put you in mind of one of them before we part, and that was sending back the foreign troops if you please; and won't you please since Ireland is reduced? It is hoped you will; and disband our English ones too: What else are we the easier for Ireland's being reduced? Which we all suspected was prolonged on purpose to have a pretence for money; and will you continue the charge even now, when they have not that pretence? Better things are expected from you. I beg your patience a little longer. We are an island; a navy is an English standing army; add ten or twenty sail of ships if you please to the establishment, but no more standing armies now, I beseech you. Conquering of France, which some hot heads dream of, is not our business, if it were in our power; and therefore must be the passion of fools and hope of women. It was never attempted but by Edward III. and Henry V., princes of great minds and sufficiency, but they rather shewed France and the world what they could do, than what they could keep; and made the experiment at the expence of that blood and treasure that we were the worse for our glory, even while we could maintain it: But that failed us also at length, and we ever lost all back again, with more dishonour than we got it with reputation. We had need have the Spanish mines, or the philosopher's stone, and a race of Black Princes, and such Edwards and Henries, to effect and support such an enterprize. France is three times as big as England, and populous and rich in proportion; the revenue of the crown is one third of the yearly income of the whole, the clergy have another third, and the laity the other third; of all which, the new converts make not the five hundredth part, as they are not in number the two hundredth man. Now if the French king hath more than the revenue of all England to carry on his war, and a clergy so rich, and whom he has so much obliged, to help him; and that will not let him want for so good a cause, as they count this in favour of King James, that is an exile for his and their religion, besides what his people can furnish, zealous enough in their way, and very bigots to him; to which vast treasure add his incomparable conduct, in judgment, secrecy, and dispatch, suiting men to things, and both to time and place, with the successes we see have followed him every where, as if he had fortune in his power. It shews him to be a match for all his enemies, and that they must think of being defensive in their turn as well as he; and truly, "if he beats us when he fights, and fights but when he pleases, he will beat us at last," and whatever we may fancy, France is thrice more to us now, in proportion, than what it was, which we do not or will not see, because old reckonings and present heats cozen us. We are increased in trade and shipping, so are they in proportion; in naval affairs, in revenue of the crown, in command and discipline, they are proportionably five to one, to what they were in Edward III. and Henry V.'s time. It's true, we might at first, with great charge, have landed upon them, and made some confusion among them, as we might have reduced Ireland, and saved all this blood and treasure, but private respects took place. However, that attempt upon France would have been too hazardous for wise men to make, for besides the repulse that might have followed, our navy might have been wind-bound, provisions thereby wanted, and the charge of an army and navy at first would have come too fast, and

been too much for the people to have understood; and if it had not succeeded to our mighty hopes, it would have been a dangerous slur upon the king, from whom some expected not so much as they have seen, and others a great deal more. Laying aside the vanity of conquests abroad, it will become us to have a care of them at home, that while we think of nothing less than freeing or possessing other countries, we may not insensibly lose or enslave our own. We have land enough, and a free government, if we might enjoy it. Our part is little more than defensive, scour the coast and you secure the island and the trade, which is the life of it: But, if after fifteen millions of money already paid in three years, (which, by the way, has not been known since the Norman dukes, which is now above 600 years ago,) you will give more without settling the constitution and changing hands, and thereby purging the administration, "we are an undone as well as a ridiculous people." The army the king asks is for the continent, and not an island, and what have we to do there? Is not our quota enough? Are any but the Dutch concerned in the charge at sea? And of that do we not bear a double share? Besides, have any of the confederacy assisted us in the reducing of Ireland? Let us observe proportion. But that which is both our surprise and trouble, is to find that his majesty tells us of arrears, after all that has been given, when it is made plain to us, that though we did the last year proportion our supplies to 70,000 men, there never were fifty of them in pay: Pray let that overplus be applied to the arrears, or those that received it obliged to refund to the public.—We do not see to the end of our charges, and cannot be too good husbands for the people that pay it, who though they are and will be very reasonable, have often proved they are not made for burthen. I will say no more to persons of your talents; nor had I said so much, but to men of your stations.

The Speech of Sir Charles Sidley in the House of Commons, 1691.

Sir Charles Sedley, celebrated as a witty author and fine gentleman, during the reigns of Charles II. and James II. had joined cordially in the Revolution, in resentment, it is said, of James's having seduced his daughter, whom he raised to be Countess of Dorchester. "James has made my daughter a countess," said the vindictive wit, "I will do my endeavour to make his a queen." He sat in several parliaments as member for New Romney, in Kent. The following remarkable speech was made at the opening of the session of parliament 1689-90, when the hereditary revenues were settled upon King William for life, together with the excise and other public revenues, which, in compliance with the funding system, then first introduced by Bishop Burnet's recommendation, were to be impledged as security to raise the necessary supplies for support of the war. Sedley, as an English country gentleman, seems to have been of opinion that the public stock should be carefully husbanded, and that those holding offices should be made sensible of the burdens imposed on the public, by having a share of the imposition laid on their own posts and pensions.

We have provided for the navy, we have provided for the army, and now at the latter end of a sessions here is a new reckoning brought us; we must provide likewise

for the civil list. Truly, Mr Speaker, it is a sad reflection that some men should wallow in wealth and places, whilst others pay away in taxes the fourth part of their yearly revenue for the support of the same government; we are not upon *equal* terms for his majesty's service; the courtiers and great officers charge as it were in armour, they feel not the taxes by reason of their places, while the country gentlemen are shot through and through with them.

The king is pleased to lay his wants before us, and I am confident expects our advice upon it; we ought therefore to tell him what pensions are too great, what places may be extinguished during this time of war and publick calamities. His majesty is encompassed with, and sees nothing but plenty, great tables, coaches and six horses, and all things suitable, and therefore cannot imagine the want and misery of the rest of his subjects. He is a wise and virtuous prince, but he is but a young king, encompassed and hemmed in among a company of crafty old courtiers, to say no more of them; with places some of 3000, some of 6000, and some 11000. I am told the commissioners of the treasury have 3000*l.* a year a-piece: Certainly such pensions, whatever they may have been formerly, are much too great in the present want and calamities that reign every where else; and it is a general scandal, that a government so sick at heart as ours, should look so well in the face. We must save the king money wherever we can, for I am afraid our work is too big for our purses, if things be not managed with all the thrift imaginable. When the people of England see that all is saved that can be saved, that there are no exorbitant pensions nor unnecessary salaries, that all is applied to the use for which it was given, we shall give and they will cheerfully pay whatever his majesty can want to secure the protestant religion, to keep out the King of France, aye, and King James too; whom, by the way, I have not heard named this session, whether out of fear, respect, or discretion, I cannot tell. I conclude, Mr Speaker, let us save the king what we can, and then let us proceed to give him what we are able.

The Follies of France; or, a true Relation of the extravagant Rejoicings that were made by the French King's Command in most Cities of France, for the pretended Death of his Majesty, (William, King of Great Britain,) contained in a Letter written from a Roman Catholick Citizen of Paris (by way of Holland) to his Correspondent in London. Translated from the French Original.

These ungenerous rejoicings were made on a false report that King William had fallen at the battle of the Boyne.

" On the last of June, 1690, the king came to the banks of the river; and as he was riding along, and making a long stop in one place to observe the grounds, the enemy did not lose their opportunity, but brought down two pieces of cannon, and with the first firing the ball passed along the king's shoulder, tore off some of his clothes, and about a hand-breadth of the skin, out of which about a spoonful of blood came: and that was all the harm it did him. It cannot be imagined how much terror this struck into all that were about him: he himself said it was nothing; yet he was prevailed on to alight till it was washed, and a plaister put upon it, and immediately he mounted his horse again, and rode about all the posts of his army. It was indeed necessary to shew himself every where, to take off the apprehensions with which such an unusual accident filled his soldiers. He continued that day nineteen hours on horseback; but upon his first

alighting from the horse a deserter had gone over to the enemy with the news, which was carried quickly into France, where it was taken for granted that he could not outlive such a wound: so it ran over that kingdom that he was dead. And upon it there were more rejoicings than had been usual upon their greatest victories, which gave that court afterwards a vast confusion when they knew that he was still alive; and saw that they had raised in their own people a high opinion by this inhuman joy when they believed him dead."—BURNET, IV. 95.

["The present letter having very fortunately fallen into my hands, I judged it worthy to be committed to the press, that all the world might be informed of those excessive transports, and other unaccountable fopperies that were transacted in France by order of the court, upon the imaginary death of King William; and particularly because the author seems to be so abundantly assured of the truth of all these proceedings, being an eye-witness of them at Paris."—*Orig. Edition.*]

Paris, August 8, 1690.

SIR,

I HAVE been very regular and constant in writing to you, nevertheless I was obliged to take some time to put myself in a capacity of satisfying your last demands, that I might send you nothing but the truth; and withal, a particular account of every memorable circumstance. You'll be no loser by this delay of mine, since instead of a bare letter, you receive a kind of an epistle. However it is, sir, you'll find an exact relation of what I have either been an eye-witness, or informed myself from unquestionable hands upon this occasion.

The defeat of the Irish army, and the return of King James, was matter of extraordinary mortification not only to our court, but to all France in general. However this consternation (Heaven be praised) was not of long continuance, and our sorrow was immediately converted into joy,[1] by reason of the mighty news which the king commanded to be published from the twenty-seventh to the twenty-eighth night of the last month, by the cannon of the Bastile, which were discharged about three o'clock in the morning; and by the commissioners, who at the same time knocked at the doors of every citizen, without any difference, crying aloud with all their force, "Arise, get up, and make bonfires, the Prince of Orange and Mareschal Schomberg are dead." This solemn declaration, made by his majesty's order, obliged the whole town to get up, and pass the remainder of the night, and the following day, in bonfires, and all other public testimonies of joy. One could hear nothing but trumpets, drums, hautboys, fifes, flutes, and sackbuts; one could see nothing but tables furnished in every street, where wine was not spared in the least. The religious fraternities distinguished themselves, and particularly the good fathers the Cordeliers, who spent all night long a prodigious quantity of petards, and other fireworks, in their garden, and distributed their wine about in abundance. The same was likewise done at the Guildhall of the city, by the express command of the provost of the merchants. All the people, without exception, and especially those of higher quality, as they passed in their coaches through the city, were stopped on their way, and forced to drink a health to King James and the Prince of Wales, and to cry out aloud, "The Prince of Orange is dead." They burnt the effigies of the prince, and his royal spouse the princess, in several places, as they had done before at their bonfires for the battle of Flerus, and the naval engagement. They dragged them through the city, where they made a solemn procession; and there was neither man nor woman, great nor small, among the people, who did not throw dirt and stones at them: nay, their indignation was carried higher, they hanged the Prince of Orange in effigies in abundance of places; amongst the rest, they led him up and down

[1] This mistake gives the air of fabrication to the letter; for how was it possible that the false report of King William's death at the battle of the Boyne should be believed at Paris, if the real news of the day, and of the flight of King James, had previously reached that city?

by way of procession, with a devil, who was to carry him to hell, having before him a piece of paper thus inscribed: "I have waited for thee these two years." During these mighty rejoicings they broke open the houses of several of the new converts, and particularly a grocer's in the Fawxburghs of St Germain; they affixed to their gates a portraiture of the Prince of Orange, crying, "He's dead." They demanded money of others to exempt them from pillaging, and forced them to give it, after having committed a thousand outrages on their persons. In fine, sir, I am able to acquaint you, that not the most advantageous successes we ever met with, nay, not the birth of an Infant of France, however it was universally desired, ever found so agreeable an entertainment, which gave occasion for one of our celebrated poets to say,—

"Though Paris such triumph and joy has express'd,
For the prince that in Ireland was slain:
The news of his death doth not half fill my breast,
As the fear of his rising again."

You will see, sir, a great deal of pleasant poetry on this subject in a certain remarkable paper which I have sent you, composed after the manner of an interment, which they have made of the prince's body in Ireland; it being a very curious piece, engraved here in the city by one of the most eminent masters in that art, and is every where publicly sold.

With this good news of the Prince of Orange's death, we have received some other welcome passages, as well from Savoy as Germany. If they happen to prove true we shall scarce find wood enough to furnish out our bonfires; and we assuredly hope before the end of the campaign to have no more enemies to exercise our valour upon, let their numbers be never so great.

These revellings and masquerades continued till the 29th of the last month in this city, at Versailles, and St Germains en laye, where three or four thousand persons being assembled together, they made their supplications to King James, who arrived there on the 25th, to inform them whether the news of the death of his son-in-law was certain; and some of the king's officers assuring them that nothing was more sure, they made the same rejoicings at St Germains as they did in this city; which examples were copied by those of Lyons, where the shops were shut up for the space of three days successively, as well as in several other places, for the greater solemnization of this festival.

It was not only at Lyons, and other principal cities, that the people testified so much joy for the death of the Prince of Orange, our irreconcileable enemy: Sedan particularly distinguished itself among the rest, as one of my friends, a gentleman of very good credit, acquainted me, who happened to be upon the spot when this affair was transacting; and it was not many days ago.

On Sunday the 30th of July, they caused such bonfires to be made there as they had never seen before upon any occasion. The meanest person was rated at a good round sum to defray the expence, without reckoning the burgesses, who endeavoured all they could to outvie one another in the magnificence of the show. They were not forgetful to cause several representations of the prince to be made. His highness was exposed to several fires, having a tobacco-pipe in his mouth; he was carried to the two Fauxbourgs in a large frame, and the princess, his royal consort, was after the like manner carried to the house of the Capuchins; they had both of them inscriptions before and behind, with these words in vast legible character, "The Usurpers." There was never a person present who did not pour forth some horrible reproaches or other upon both of them. They began the festival before the lodgings of the governor, with thirty discharges of cannon, and three vollies of the whole garrison. All the several compa-

nies marched in procession to the Dauphin fountain, which run with wine in abundance, and all those that had a mind to it drank their belly-full. All the principal officers performed wonderful things, and afterwards received a splendid entertainment from the governor. There arrived here a courier with especial orders, to signify to them the death of the Prince of Orange. Immediately after this, the chief magistrate of the place published this agreeable news through the whole town, with the harmony of drums, violins, hautboys, and flutes, crying in a loud and intelligible voice, "Come along, gentlemen, redouble your joys, that tyrant the Prince of Orange is dead! the usurper is dead! redouble your bonfires." Then the artillery was discharged, and the same instant five pieces of cannon began to thunder, which extremely affrighted the weak and giddy multitude. This triumph continued all the night, till eight in the morning, at which time all the ingenious wits of the town laid their heads together, to concert the matter how they should order the funeral of the Prince of Orange. A certain spark, Hamoir by name, began the sport with making the epitaph, which is such a wretched piece of stupidity and dulness, that I would not give myself the trouble to transcribe it for you. Another virtuoso, whose name was Van Veld, a native of Leyden, made the prince's effigies, which had the honour afterwards to be burnt. There was likewise another picture of him, to serve at the interment, at which entertaining ceremony every body was obliged to assist: They dragged it through the whole town to the Torcy, then it was hanged with the heels upwards for a considerable space; at last it was thrown into the Garene, which is the receptacle of all the filth and ordure of the city. There was a prodigious concourse of people all the while; but he that made himself the most remarkable for his extraordinary zeal, was the above-mentioned Mons. Hamoir, who carried about a certain kind of kettle, in shape somewhat resembling a coffin: He had along with him a company of mourners; Lepine the drummer, commonly called the Cuckold, had a frying-pan covered over with black cloth, upon which he beat a very mournful tune before the corpse, that was encompassed with a trusty guard of halberdiers. One Jardon, who was born at Veroye, and had been often at Maestricht, signalized himself very particularly in this honourable action, by abundance of foolish things he both said and did, during the time of this pretty representation. The women too had their share in this festival, my friend assuring me, that there were several of them, who to celebrate the show with that devoir and solemnity as was requisite, abandoned themselves to all manner of debauchery. The holy fools of Donchery pursued the frolick somewhat farther than those of Sedan; but the religious lunatics of Maizieres behaved themselves so as if they had been actually possessed. If I were acquainted with the bravery and valour of gossip Poncelot of Rheims upon this score, I had not failed to send you a full information. That which is exceeding remarkable in regard of the couriers is this, that they arrived at all these places exactly at the same time, although they are not equally distant from Paris.

It is high time now to draw towards a conclusion, and yet I cannot prevail with myself to do it, without saying something of what happened at Bayeux, in Lower Normandy. About fifteen days ago they solemnized the death of the Prince of Orange there, with such an extraordinary zeal that one durst not contradict so ill-grounded a piece of news, without running the hazard of being stoned. They ordered several representations of the prince to be made there; some of which were cast into the common jakes, others were hanged, and some fell into the pious hands of the butchers, who divided them into four quarters, after the same manner as they serve the poor beasts, who have tasted the civilities of the slaughter-house. In short, there is no sort of brutality to be imagined, which these well-bred gentlemen did not commit upon this occasion, amidst the tumult and hurry of so public a rejoicing.

Neither was there less done at Dieppe, than at Bayeux, on the score of this solemnity.

The name of the Prince of Orange is here become so odious and execrable, that they cannot endure to see him, so much as in a piece of painting. It is almost an age ago, since at a certain house in Dieppe, there was set up the Prince of Orange's head for a sign. The judge of the town enjoined the master of the house to take down the sign immediately; the master at first made some difficulty to do it, representing to the judge that he ought to address himself to the proprietor of the house; and that for his part, he being but only a tenant, the expence and charge was not in justice to fall upon him. But all these remonstrances were to no purpose; he was obliged to obey without any more ado; and, by order of the justice, to set up the Prince of Wales in the place of the Prince of Orange, who was immediately hurried away to prison, with beating of drums and other great triumphing.

I have found all these passages so very singular and extraordinary, that I was desirous to communicate them to you, who are my particular good friend, and from whom I would willingly conceal nothing. If there should happen hereafter any thing that deserves to be transmitted to you, I will not fail to oblige you with it by the first opportunity. Entertain, I beseech you, sir, the same complaisance for your friend, if any curious matters should happen in your parts. However, send me nothing which is not exactly true, and therein follow the example of your most humble and most obedient servant. Farewell.

Observations upon the late Revolution in England.

A Jacobite Tract of great virulence, urging almost all the general topics upon which the favourers of the exiled family usually declaimed. It is, however, so composed as to appeal to the principles of the tories and high-church-men against their practice, while at the same time allowance is made for the general movement against James from his ill-augured attempts in favour of religion.

If it be true that interest is often mistaken, though it never lie, and that standers-by sometimes see more than gamesters, though they do not understand the game so well, it may not be false that the politic drivers of our late revolution in England (who, 'tis to be feared, have too many of them designed their private interest at least as much as that of the public,) have mistaken their way to both, and that one who has been no more than an indifferent looker-on, and who pretends not to be clearer sighted than others, has observed some things which the abler gamesters have not been aware of. Whether it be so or not, who pleases to read the following observations may judge. I will preface no more to him, whoever he be, than that if he examine them, as they have done the matter of fact on both sides, without prejudice to any, he will judge the better; and that since my kindness for my friends and country is the only motive I can have to expose my thoughts of this nature, he will be very unkind if he does not forgive what he does not approve.

First Observation.

That though religion in the contrivance of this turn was called upon at first to serve the turn of interest, as it has ever been put to do in changes of this kind, and did sanctify a little while the pride and ambition of private men, with the name of Blessed Reformation, and made saints among the ignorant people of the worthy gentlemen so qualified, it has nevertheless been treated by them with less ceremony, than has been shewn it before on such occasions. That mask was immediately thrown off here, and interest appeared bare-faced in every body's mouth from the very beginning. Our true protestant generals and officers from the first removal of some of them from their employments, began to roar abroad without ceremony, they would stand by their religion, and show themselves protestants to the last drop of their blood; for all their commands would in time be given to papists. Our conscientious lawyers upon the same occasion declared in Westminster-hall itself, they were fee'd by the protestant religion, and would defend it as long as they could speak, for papists were setting up to run away with the profits of that sweet place, and all their beneficial employments. Our reverend clergy of all degrees were provoked, both in pamphlets and pulpits, to pronounce to us the danger our religion was in, for Magdalen-college was already given to the papists; and to tell us thereupon, they never meant by their doctrine of non-resistance and passive obedience, which they had preached so long, not to stand up for their spiritual preferments against any anti-christian king in Christendom, who would take them away. Our lords and commons of business and interest, of estates and pleasure, cried out altogether they would have no popery, for none but papists could be heard or looked upon at court; and even those gentlemen whom they had used to snub and threaten, from their assizes and sessions, with taking away their catholick horses, and two-thirds of their damned popish estates, came up now and nosed them upon all their country benches. In short, men of war, men of law, men of gospel, men of all kinds, professed plainly to stand up for their liberty and property against their king; and that not so much by covering them, under the defence of their religion, as by discovering their religion was to defend them. So that though religion was advanced sometimes to lead up the common people, and marched along with liberty and property at the head of parties and pamphlets, when there was occasion to appear in public, it was plain that my lords and gentlemen had no other use of it, than to gull the commonalty; and that the profits and preferments of the government, to which the laws and possession gave them a title, were the things they would never part with, if any other king, or if no king, would preserve them to them.

Second Observation.

That their redeemer, the P. of O., had the same occasion, and made just the same use of religion as his religiously aggrieved inviters and assisters into England; his declaration setting forth the deep sense and concern he had for it, as plainly as they could speak and write theirs. For, says that, (after it has run over many other particulars of mal-administration, under the name of evil councellors,) "To crown all, there are great and violent presumptions, inducing us to believe that those evil councellors, in order to the carrying on of their ill designs, and to the gaining of themselves the more time for the effecting of them, for the encouraging of their complices, and for the discouraging of all good subjects, have published that the queen hath brought forth a son, though there have appeared, both during the queen's pretended bigness, and in

the manner in which the birth was managed, so many just and ritish grounds of suspicion, &c. And since our dearest and most entirely beloved consort, the princess, and likewise we ourselves, have so great an interest in this matter, and such a right, as all the world knows, to the succession of the crown, &c. Therefore it is that we have thought fit to go over into England, and to carry over a force with us sufficient, by the blessing of God, to defend us from the violence of those evil councellors. And we being desirous that our intentions in this may be rightly understood, have for this end prepared this declaration, in which, as we have hitherto given a true account of the reasons inducing us to it, so we now think fit to declare that this our expedition is intended for no other design but to have a free and lawful parliament assembled as soon as possible, and that in order to this all the late charters may be restored." And several other things done which he knew very well were done before he came over. By which declaration, whoever observes that the shoe pinches chiefly in the point of the Prince of Wales, who put the Prince of Orange by his hopes of succession, even more if it were true, than if it were fictitious, and that therefore (at that time especially, when it was not to be imagined the crown could be got upon any other foot,) it was absolutely necessary to make him appear fictitious if possible; and whoever considers these other proceedings of the Prince of Orange upon all occasions; the trouble he gave himself of coming over into England about ten years ago, on purpose to help forward the Bill of Exclusion against the Duke of York; his entering into a conspiracy (which is averred from the mouth of one trusted by himself at the very time) for the deposing K. Ch. II.; his unwearied diligence in thwarting every thing K. C. or K. J. had a mind to have done by their own subjects; his great goodness in providing well for all those persons, who, for some goodness or other, had incurred their displeasure, and were banished or proclaimed traitors by those two kings; his generosity in sending and making use of the Duke of Monmouth, like foot of whelp, to burn his paws with setting up for king in England, without men, money, or arms; his courage afterwards, so much extolled, in coming himself, when, being rid of Monmouth's pretensions, he had the consent of the greatest part of the people and army of England, and knew he was not to strike any other kind of stroke for it than such an one as he gave with his whip on a gentleman's shoulders at Newmarket, for riding before him, wittily enough observed, then, to be the first he struck for the kingdom; his great care of K. J. when he was betrayed by his own army, in sending him a Dutch guard to Whitehall at eleven o'clock at night, without his knowing any thing of it; his kind message to him after he was in bed the same night to begone out of his own house the next morning to the Duchess of Lauderdale's, at Ham, for the farther security of his royal person, and to be sure to be gone early, lest he should be troublesome, by being in his way coming from Sion the same day to London; his condescension afterwards, at the king's request, to let him go to Rochester instead of Ham, that he might, by his going away, make room for his design of being king, which he was told could never be compassed as long as K. J. stayed in England, let his condition be what it would; his constant and firm adherence, after the king's departure, to his declaration (the confidence of which had drawn in all the people to him;) first, in his calling a free and legal parliament, than which he declares to have no other design; secondly, in the particular care he took for electing to his parliament, called the Convention, all true churchmen, all such as had been discountenanced, or brow-beaten before, in the way of outlawries, or so, by King Charles the Second, or King James; all such as could possibly be found, who had any hand of their own, or relation to those who had, in bringing his grandfather King Charles the First to condign punishment; and, thirdly, in his not suffering any business of the kingdom to come before or be thought of, by his honourable convention; not so much as his dearly beloved consort the princess, who, though she was graciously mentioned in his declaration, to have so great an interest in this matter, and such a right as all

the world knows, to the succession of the crown, was not then permitted to come into England, till they had altered the fundamental constitution of the government, and made him king in his own right; his transubstantiating, (as it has been called) when he was king, the same convention into a parliament, without writs or new elections, lest he should not get the people, who had been deceived by their conventionary members doing what they never dreamed of in making him king, to chuse such parliament-men as would serve the turns he had to come hereafter; his plain proofs he brought to them when they were a parliament, concerning the fictitiousness of the Prince of Wales, according to the last promissory clause in his declaration, in these words: "To this parliament we will also refer the enquiry into the birth of the pretended Prince of Wales, and all things relating to it, and to the right of succession;" his choice of men of honour for the new honours he has bestowed; his filling all places of trust and profit throughout the kingdom, as far as could be found, with persons of the church of England, and of good life and conversation; his sending out of England even for Mr Ludlow, one of the regicides of his grandfather, attainted and condemned by act of parliament for hanging up without a trial, to be advised with, if not preferred in the government here; his free disinterested submission of this kingdom's business to this free parliament, without any of those tricks as were played by former kings to influence or bias the members, as appears by its being so well an officered parliament, as it has been observed to be in the House of Commons itself; by the lords' sons he has called up, and the new peers he has created, by his sending his own Bentinck, whom he never parts with, when he has no particular interest driving elsewhere, out of his closet, to vote for Mr Oats's being a good evidence again; and by his turning an honourable person, (who did him the first and most remarkable service of any man in England) such an one, as without which, in all probability, he had had but little power over employments in England, out of a very good one, for no other imaginable reason, than for going in parliament according to his own judgment and conscience; his religious way of taking and keeping coronation oaths in England, to defend episcopacy, and the church of England, as established by law; for the special performance of which, all England sees itself obliged to his weak endeavours; in Scotland to abolish episcopacy, root and branch, and to establish a church more conformable to the word of God, for the godly performance of which, all Scotland see no church at all. To conclude, upon this whole matter, it is observed, that his Dutch highness, as well as his English factors, consulted his private interest and ambition in the redemption he brought to England, at least as much as he did the good of religion, or the interest of the kingdom.

Third Observation.

That as the people of England, and the P. of O. have luckily done their business (as they think) with consulting their interest too much, and religion too little, King James unfortunately did his, with consulting his interest too little, and religion too much; and both together have drawn such a prospect of confusion and destruction to the whole kingdom, as England itself (to speak a proud word) never saw before: And yet it is not easy to lay the saddle on the right horse, or to say on what, or on whom, to cast the original blame. For as it is known on the people's side, how well the parliament behaved themselves towards the Duke of York (notwithstanding the crafty malicious endeavours of that time to the contrary) how they refused to pass the bill of exclusion brought against him, on the account of religion, before his accession to the crown; how they settled him in the throne when he came to it, with that reverence, that security, that joy in all his subjects, as never king met with more; how firmly they stood by him in that early rebellion of the Duke of Monmouth; how the first

parliament of his time, laying aside their apprehensions of popery, they unanimously settled a greater revenue upon him than any of his predecessors had, during life, a thing which our protestant William, with all the advantages of the redemption he comes with, cannot compass now; and how, according to the opinion of very wise men, far from being prejudiced by his religion, he might (if well desired) have made himself safer and greater yet, by being a Roman catholic, than if he had been a protestant; so on the king's side, it was even confessed by unbiassed people, that he had the public virtues of a king, and the private ones of a gentleman; that his courage, constancy, justice, liberality, and frugality, in their due places, befitted him more properly for the government of England, than any king perhaps, who governed it before himself. However he might be deceived, he generally aimed laboriously at the good and glory of the nation. But wherever the fault lay, or however we call it, fault or misfortune of the king or of the people, the matter of fact was, the people changed from the best to the worst opinions in the world, of the king, and proved the citizens in the parable, who sent their absent lord word, "We will not have this man reign over us;" nor could the wisdom of those who foresaw what must happen, stem the universal tide. Only thus much I think will appear to be truth on both sides, that, as kings are more exposed than other men, to the delusions of disguised craft, which seeks to impose upon them with a restless importunity, King James might possibly hearken too much to mistaking priests at one rate, and to misguiding ministers at the other: The first whereof knew not how to drive his and their own interest together, as they meant to do, and the last meant to drive their own, though they destroyed his, as they *did*; and that the people, though they might possibly find enough from this conduct of his, to justify themselves for changing their first opinion of him, and for standing upon the guard of their religion and property, as far as the not contributing to the destruction of them amounted to (which alone, viz. their peremptory refusing to repeal the laws, or to act against themselves, had evidently brought the papists to the end of their contrivances, and had done the business for the protestants, without going any farther) yet, I say, those who are concerned can never be excused in the length they have gone since, from having done things contrary to the duty, the conscience, the religion which the protestants of England have ever professed, and from being guilty of acting those crimes, for holding of which only to be lawful, we have so severely decried, and pronounced sentence of damnation against the papists. But it is not the business of this paper to insist upon that; our present reformers, as was said at first, having all along insisted upon interest more than religion, and that work being performed already (I fear unanswerably) by the author of the History of Passive Obedience, and by several other hands much fitter for it than mine, I am sure, that which is given for answer, by some unknown hand, to that book, that King William as a foreign prince, has made an absolute conquest over King James, though he did not over the people, and that therefore the allegiance of the people, and the oaths they took, are transferred by force, when the people are not forced, from King James to King William, is such stuff as those gentlemen themselves will not own before people of common sense, though perhaps it be as much as is to be said for the matter.

Fourth Observation.

That setting aside the question, whether the proceedings of the people of England have been just or lawful, it is observed that what they have done, is directly against their dearly beloved and espoused interest, and worse for themselves, in the same kind, than any inconveniences King James could have brought them under; that is to say, that those very inconveniences, of what kind soever they were, which they apprehend-

ed from him, (and every body knows they were not more than apprehended) are actually insupportable under this change of government already, and that they will grow worse and worse still, without other remedy than restoring him again; which will appear best by comparing what we feared then with what we feel now.

We feared for our religion then, and have we no reason to fear still? It is absolutely certain, that religion, as ill luck will have it, of all others, not excepting popery itself, the most unrelentingly impatient of induring any worship or authority but its own, should want credit, with a prince born and bred under it in Holland, and brought chiefly by its well-wishers into England, to turn both his power and theirs towards its establishment here. Is it certain our liturgy shall always continue, which there has been dangerous, not to say illegal commissions given out already to alter? That episcopacy shall stand firm in England, which has been so early abolished in Scotland? Or if it do stand for a while, that compliance with the court-interest (as necessary an ingredient, and as shameful a blot as it was said to be in King James's days) shall have no hand in making of bishops in these days. And if bishops do preach and teach a new complying doctrine, is it certain the people will always believe and practice the stubborn old? The doctrine of not resisting lawful princes, being plainly against the interest of a prince made against law, may we safely count upon it, that that church which has ever taught that doctrine, shall be always preferred by a prince who has not been altogether so unmindful of his interest as his predecessor, and who sees besides, he shall not at all disoblige his protestant allies, by trimming our church more after their cut? We see the contrary to all these already: We see every bishop, chose since our reformation, of another stamp than of the true church of England, such as have been ever blown about, not only with every wind of doctrine, but with every change of government, such as are more intent at present to mend our religion, and make new doctrines for us, than to preach the old, or to teach us to mend our manners. In short, we see all church-preferments, and all our religious favours, bestowed upon persons, if of any religion, of that of the court; and our receipt to cure our fears, as to this particular, has, to my thinking, neither taken away, nor lessened them, but only changed them from popery to presbytery, which is at least as bad as the other: I wish the presbyters be not so much the more dangerous of the two, as they have more hands, more cunning, and more credit in England. For does the dissolution of the late parliament, which I confess was in being when the foregoing observations were made, or the new-proffered kindness to the church of England, afford any reasonable ground to make any recantation? King James's sudden caressing the dissenters, when the church of England would not serve his turn, was too well understood by all parties then, to let the same trick reversed pass upon any now: A trick which, in plain English is just the compliment of one, who having occasion to borrow money, and being disappointed by John-a-Stiles, would have John-a-Nokes take his application to him for a great obligation. Others had the first refusal, and now, dissenting measures unluckily proving false, a sudden fit of kindness honours the church of England, with an offer of the glory to enslave the nation, and destroy herself, when the chosen confidants, it seems, would not, or could not, do it. But I hope I need say no more, either to put church of England men in mind that the P. O. having lately found he is not strong enough yet to root them out here as he has done in Scotland, is about to require another present supply of money, his revenue during life, and their passive obedience again from their hands, to enable him to do it; or to let dissenters see that he will sacrifice them to his own, to their enemies, or to any thing that affords the least prospect of advancing his a——y ambition.

We feared for our liberties; and our new expedient to preserve us freemen, is to teach and preach up a conquest, and to establish martial law. 'Tis a little surprising, that we should take our freedom to be secured by courses, which all nations besides

are persuaded takes it away. But if conquest do indeed make our liberty greater than a lawful succession, I am of opinion it would be sweeter, and relish better, if we were not clapt into prisons, for refusing oaths against our consciences; if the benefit of our *habeas corpus* had never been denied us; if free-born Englishmen had never been spirited away with pistols at their breasts, out of their native country, to maintain foreign quarrels with their blood, and this too without any necessity, since nobody can deny, but the 8000 Danes brought hither, might altogether as fully have performed our articles with Holland, and left England to be defended by so many Englishmen. I confess this compulsive liberty I now enjoy, of opening my purse as wide, and as often as a certain number of men please, to whom the law gives no authority over it, and being subject to my next neighbour's good-will, whether he will ask me a question about oaths, and send me to prison if he do not like my answer, is not according to my taste; and I fancy the liberty which the protestants of Ireland have at present out of their country and estates, does not, or at least will not long, agree better with their stomachs. In short, my dullness cannot comprehend, if force upon our consciences, our persons and our estates, be the true English liberty, that it is so much better than our former slavery, as we have and must give to boot.

We feared for our properties. The cargoes and hulks of ships enough to make, they say, a tolerable fleet, and fight us with our own ships, was once an English property; is it a jot better secured to us by being in the hands of the French? Was the gentleman worse in his property when his pound of rent put 20s. in his pocket, than since it puts but 14s. or 15s.? Was the merchant worse, when, in peace with all the world, he had the sea and foreign markets open to trade, than now with his liberty to walk the Exchange idle, and talk of news, not daring to venture a ship abroad? Were the countrymen worse when they had merchants at hand in all places to take off the product of their lands, or fruit of their industry, than now, when after they have wrought hard all the week, they have their labour for their pains on Saturday nights to feed their wives and children? For I see not how it can be otherwise, unless foreign merchants who can trade, take the more compassion on us, and be content to buy our wares at their own rate. Property sure might be as safe by keeping trade in our own hands, as by passing it into our neighbours: And the way we take, to my eye, shows directly like his in the poet, who would needs kill himself for fear of dying; for we have just lost our properties for fear of losing them: They are, and will be evidently less, by so many millions as have been and must be given out of them; and so much decreased, is so much lost in my arithmetick. I should never have thought diminishing the stock had been the best way to encrease it; when we take out so much, only to enable us to venture the rest upon the thing in the world the most uncertain, the chance of war. As beating makes children learn; if we should beat the cowardly Irish into an humour of fighting at last; if King James should find more friends than we yet discover: In a word, if he should prevail any way at any time, we shall have secured the remainder of our properties which the war in the mean time shall leave us, very fairly, by exposing them to the courtesy of the man we feared, and by forfeiting them legally to the law, with which we will not have him dispense. However it go, I, for my part, do not think the event of a battle good security, and could be every jot as well content to fear for my money and receive it, as not to fear and go without it.

Lastly, we feared for our laws, not so much I believe for what was done, as for the manner of doing it, for I am persuaded a good part of what King James did might have been done for him in a legal way, and with the consent of the people; but when we saw him assume a dispensing power, not vested in him by law, we were sensible that the same power which over-ruled one law, might over-rule another, and all, and feared the pernicious example: This, I think, was the case and the disease. The antidote now which we have taken against the poison of this bad example, is it not an ex-

ample as bad, or worse, and our remedy against one illegal power, which we have pulled down, a setting up another altogether as illegal?

For the law acknowledges not for a legal parliament, any number of men, who are strong enough, a legal call; no, though they convene in the parliament-house, and vote themselves a parliament, nor that man for a king, whom the law places not in the throne. Unriddle me now, who can, in what an illegal dispensing power was more dangerous to our laws, than an illegal enactive, or an illegal executive power is; or in what the abdicated example of K. J. to dispense with some laws, was worse than the example set up now, by which any number of men who are strong enough, may assume an absolute power to dispose of all our laws, our religion, our bodies, consciences, and purses as they please, with no more ceremony than the formality of a transubstantiating vote. A liberty and property-defending army of Englishmen, has done little less within the memory of man, and if our Dutch redeemers should take it for the fashion of the country, and to complete our redemption, set up for the parliament of England, which way can we plead our laws in bar to them, which we have over-ruled already ourselves? In short, illegality is always illegality, and if that were the intolerable pernicious thing before, it is so much the more intolerable now, by how much a legislative illegality is more pernicious than a dispensative one, and an usurped executive power more dangerous than a legal one; and yet the wisdom of our fears has drank down one, as a destructive disturbing, and the other, as a healing settling draught. I am far enough from kindness to either, but I will say for the destructive one, that it has been, at least, the more modest of the two, for it only made bold with a single superstructure, by dispensing with the test-act, without which our government had stood many a fair age, and that too with a pretence on its side of its being law, in the interval of parliament, and of referring it to a parliament when it met; whereas our settling illegality has fallen confidently upon the very foundations of our constitution, and pulled them quite away. The English government has hitherto stood upon these fundamental maxims, That the king never dies, and that all authority is derived from him. For our wise ancestors were so sensible of the ruinous consequences of interregnums, elections, seditions, and saw so well that nothing could prevent them but a legal king always in being, that they would not allow to death itself, with all its irresistible power over the man, any power over the king, but made the same moment which received the last breath of the man breathe his regal power into the next of blood; and then placing the fountain of all authority in this immortal king, stopt up for ever all pretending streams of sedition. By this it was made impossible, for any pretence to cheat or hinder the people from distinguishing the seditious, which they were to avoid, from the just power which they were to obey, there being no more to do, but to ask which flowed from that fountain which they had contrived should always run. Now we have introduced vacant thrones, filling them as pleasure or humour, not as blood directs, and a new power over our fundamentals themselves, not derived from the old only fountain; and now to make the hinges strait, upon which how much soever they swayed before by dispensing, our government still moved, we have knocked them quite off. I will not be the melancholy prophet to foretell what will be the consequence, but leave every one to guess, who will reflect what they have seen and felt in one year's time.

Fifth Observation.

That already no man can count upon law or his estate, or know what either is; for judgments of all kinds given in our courts of justice (if we may believe lawyers) according to law, are reversed, and discharged without any exception shewn to them; and our estates are less than they were last year by a fourth, and to some a third part.

No man can promise to lie in the same bed at night out of which he rose in the morning. For if a certain gentleman called a serjeant at arms (who has walked the streets more frequently this year than ever, upon those errands) invite any passenger to his lodging, there is no refusing his civility. The height of merit, the spirit of soldiers to serve their king and country is become a forfeit of the right of a free-born Englishman, no man being able to say he shall breathe his native air, as long as there are quarrels abroad, in which his starving, or knocking on the head, may be useful. Our general liberty of conscience is confined to those who make none of perjury, or find hard expedients, to avoid it; not that the government receives any security from oaths; for as the oath of a man perjured in any case, is no evidence, there can be no security in that oath which is the breach of a former, nor confidence in that fidelity, the promise whereof is itself infidelity, till I can be convinced at least by one example of a confiding man, made so by swearing, who was not so before; I shall as soon take the oaths to this government (which I think I shall never do) as believe the government takes them for any security, especially while so many think it sinful to take them, and yet a great deal more sinful to keep them; or at least, as I heard a very understanding man say, not long ago (reflecting upon the capriciousness of our present circumstances) while men think they shall starve if they do not take the oaths, and be damned if they keep them. But perhaps a conquest may not seem complete to our conquerors, which overcomes not our consciences as well as our country; and it may be as useful, if it can be compassed, as insultingly pleasant, to evince the world there grows not now a single plant of unshakable honesty in this kingdom, that so it may appear charitable and necessary to cut down our cumbersome stocks of English growth, and plant us, or at least engraft us anew with strangers, to make the nation flourish.

Sixth Observation.

That though we thought to make our court to our new king by deserting our old, as we are generally an honest, upright people, our consciences possibly, if they were not ashamed to speak, could tell strange stories of the self-denial this compliment cost us, and the hard shifts and pains many of us made, and took to mortify the struggling rebellion of nature against that which we unnaturally hurried ourselves into against our king. And for getting the better of ourselves, for the fruits of this glorious victory, our ears tell us every day, that cowardice and treachery (reproaches heretofore unusual to Englishmen) fly in our faces from the mouths of our conquerors, from such of them at least as cannot be hindered from saying what they think, which is enough to instruct us what the reserved rest have to say, whose time it is not yet to speak their thoughts. Our eyes tell us, that no Englishman is trusted in any thing, no not those who for form-sake sit in places of trust, for as our English estates are often settled in trust, our English trust itself is in trust now; the fine titles worn by our ministers and privy-counsellors of England being nothing but gay liveries, to make them show the handsomer tools to finish up the work cut out by Dutchmen in the closet. And our reason will tell us we cannot complain, nor expect it ever should be otherwise. For no wise prince will trust a man whom he has cause to suspect will not be true to him; and our K. W. cannot forget that he was not born in England, that he did not inherit the crown, that he cannot reign without wars and taxes; and that therefore he cannot (though he would never so fain) securely count upon those men, whereof every one who presents himself for employment, must of necessity come with this speech in his mouth: You, sir, are king *de facto*, and may be sure of me; for I am just come from being false to a king *de facto*, and *de jure* both, who was my countryman, besides, twenty to one, my particular benefactor, and whose reign was a reign of peace and

plenty. Our compliment therefore has put an inevitable necessity upon our new king, never to trust us to counsel or fight for ourselves, but under a sure guard, and to furnish himself with store of foreign heads and hands, to carry on the interest of England; at which we are neither to wonder nor complain, for necessity has no law.

Seventh Observation.

That all this mischief cannot follow only (as some would have, and do infer) from K. James's going away, called Abdication; for though abdication is a hard word, which I will not pretend to understand, because my dictionary does not, I am sure it means not what his going away plainly was, trying to escape a foreseen restraint, and escaping at last an actual one. But I guess what they would have meant by it is, that K. James when he went away, ceased to be K. some way or other, which yet was neither giving away out of liberality, nor selling for money, nor losing his crown by chance, nor forfeiting, nor surrendering, nor dying. But what unintelligible way soever it were, the moment in which he ceased to be king (according to our constitution) some other was king; in which case we had no more to do but to let our government move upon the old sure wheels, and our happiness would have gone on along with it under the new king, whom God and nature, and the law of England, have always in readiness for us when the old fails. So that let abdicating signify what it will, I see no necessity of shaming ourselves with the imputation of a faithless, simple people, neither to be trusted by any king, nor so much as with our own concerns and interest: No necessity of foreigners, and the calamities they must bring along with them: None of subverting the foundation of our constitution, and crushing ourselves with the falling building. It had been but keeping the laws, and they would have kept us. But as we have handled the matter, with our anteponing and postponing, we have brought the government of England to the domineering of a pure mobile, with all their whimsies, and all their violence, with only a more formal outside: for there is no such thing as a government left, to which any body is obliged to submit for any reason but fear: No such thing as law, which has been, or can be legally made or executed; and let a man have deserved to have been condemned never so much the last year, he needs his pardon who condemned him. In short, we are absolutely in the state of nature before society, where all the power which one man had over another was his greater strength, and all authority violence. 'Tis by violence K. W. calls conventions and parliaments; and violence is all the validity of their acts. They have no other authority than the laws which thieves make among themselves to rob the more methodically and safely; and we submit to both, for the same reason, fear of worse. Violence seizes our money and our liberty, and we yield to it, just as we suffer stronger highwaymen to bind us and take our purses. Were the just scales of the law in use, (for the dispensing with which in one particular we were in such frights before) every order now for a tax, every assessment, every collection, and perhaps (if necessity help us not off) every payment would weigh more than felony, downright treason: And what the men of might do to us, every one of us, who happens to be strong enough, may with as much right do to them.

Eighth Observation.

To conclude: Here we are, and here we must be eternally, till we learn wit of a carter, and set the overturned cart on the wheels again; in plain terms, till we re-settle King James on his throne. The happiness of England depends upon a rightful king; we see it always went out with him, and 'tis in vain to hope it ever will, or can return

without him. So our constitution, so the temper of the people is made, and by a long and sweet experience, inflexibly settled. Hither it must come at last, let us torment our brains never so much, and whirl them giddy in the endless windings of projecting policy. We had a great deal better therefore save ourselves the treasure, the blood and misery, which struggling vainly against it will cost us, and embrace it unanimously at first. Perhaps we have no time to lose; foreigners swarm in upon us daily, and if they become too numerous for us to master them, they will, in spite of our teeth, master us. But it is not yet too late, I hope, to shake off our present and prevent our future calamities, if we be not in love with them.

We may have a lawful government and true parliaments again, security of our religion, laws, and rights, and be once more the freemen we were born, re-enfranchized from wars and taxes; for all these things are waiters in ordinary, and return with the king of course. If any remnant of our former fears hangs still uneasy about us, he is not so far off, but a willing mind may have recourse to him, whither he has more than once invited us for that purpose, and be eased. And it is not now to be suspected, he will boggle at condescending to any thing that is reasonable in our fears, much less that we shall ever have reason to complain hereafter of non-performance. For as there is no security like interest, and he cannot but be sensible of it, who sees that not to keep his word, is not to keep his kingdom; if we have but wit enough to judge as the wise Romans did, even upon the suggestion of a conquered enemy, that a reasonable easy peace on both sides, is sincere and lasting; an unreasonable grating one on either side, of no longer durance than till the next opportunity for war, and so keep ourselves from grating unreasonably upon him; the wit of a burnt child in him will set our hearts at rest for that matter: But have him we must on any terms, or be the most wretched nation under the sun: For the fire of war is kindled, which of necessity must otherwise consume us. As it has taken first in Scotland and Ireland, it has hitherto singed us in England only at a distance, but when the flames spread hither, if it be not presently choaked, it must entirely devour us. Alas! it will not be as in our late civil wars, where the enemy was always a countryman, often a kinsman or friend, but never without compassion for his own nation and language; and yet even those times are remembered with horror. Foreigners now will be the main body, the English but a thin sprinkling in the two great armies, which must fight the quarrel, and decide the fate of England. Both armies must live on us, and yet how shall we pay them, when every red-coat that passes takes the horses out of the plough, the corn out of the barn, the cattle out of the field, the ware out of the shop, and when in the general tumult, in every corner of the nation, here is no levying money though we had it? Of necessity, then, they must pay themselves and come to free quarter, and contribution, and military execution; terms of art, which as we only find in gazettes, every body perhaps does not know, that free quarter signifies so many meals of so many dishes, with so much money under the trencher; contribution, so much assessed upon the neighbouring district by the next garrison, as that garrison thinks fit, which, if it be not brought in by a day, is collected by what they call military execution, that is, by carrying away all that is moveable, and utterly destroying the rest. All this is regular proceeding in soldiers, but we must be at the mercy of every straggling party besides, for there are no strong-holds here as in other countries, to shelter people and their goods from sudden storms; and for any shelter from the law, it is to add scorn to the rest of our miseries to talk of law to a soldier. How shall we English bear more than other countries, who cannot hear of the miseries they endure without compassion for the sufferers, and indignation at the doers? We who cried out upon England as a ruined nation, if a soldier who stole a night's quarter, or a pot of ale, took sanctuary under his colours, which, contrary to the king's directions too, as is confessed since, protected him often with design that we might cry out the louder. As bare relation of our neighbour's misery

is nothing to feeling it ourselves, we shall be much otherwise afflicted when our own persons are seized, our own goods partly plundered, partly destroyed, and our own houses fired. And this affliction too (unless King James end it) must be like that of hell, without hope of end, for it must of necessity last as long as he lives, or any of his posterity, who takes place of our new-coined succession; and yet who can answer, that a regular war shall be our only, or our greatest misery? If desperate sufferings should grow into desperate rage, and that rage begin to think of the authors of those sufferings, believe me I should be ill at ease with fear, lest lawless oppressions should meet with lawless revenges, and De Witting be learned of our masters in more senses than one, which God forbid should happen to any, however the devil has made them deserve it. I hope the most guilty will go quit with the infamy of their crimes, which will never forsake them; and what a brand to themselves, and reproach to their descendants, must the names of those needs be, who screwed themselves into an authority abominably lawless, only to use it extravagantly ill, who with their taxes half ruined us before-hand, to nourish a war which would ruin us altogether, and who, while they made so bold with our estates, paid not a farthing out of their own; for officers paid taxes for them, and rewarded them for taxing us besides, who seized on the government only to pull it down, not sparing the very foundation, that we might be irrecoverably miserable; and for a prelude to much worse, have already fixed their infamy upon the whole nation. We live in an island, where, conversing only among ourselves, we are apt to think the world goes as the cry goes with us, and perceive not how abominably we stink in the nostrils of all mankind besides; not excepting the very Turks, nor our delivering masters themselves, for the glory of wearing whose chains we have made ourselves so wretchedly despicable. Not to flatter ourselves, all Europe loaths a nation which, having murdered one king, is now murdering another, and that not by a ragged mobile whose unthinking fury starts more excusably into horrid crimes, but by a mobile of another make, a mobile of honour dressed up in the wisdom and devotion of the nation; a thinking godly mobile, which kills in cool blood, and fasts and prays to sanctify the murders. To be plain, all Europe hates our hypocrisy, who, pretending zeal for the protestant religion, are all the while worse than the very worst of papists.

Alas! that England should for our sakes bid fair to lose its old name, and be known hereafter by the name of the barbarous, the king-killing country; and our religion the faithless, the hypocritical religion!

But it is time to end, and I will, if I can, end with demonstration. It is demonstration that, unless we recover our old constitution by consent, we must, besides the intermediate miseries, sink at last under arbitrary power. It may be monarchical, and it may be republican. But arbitrary it must be, if we suffer it to come either to a conquest of King William, or King James, or to a commonwealth; which, by the way, would be the worst of all; we can at least complain under an arbitrary prince, and the shame and vexation of just complaints is some check to him, let him be never so absolute. Under a commonwealth there is not so much as that poor ease; as imaginations of law or fancy, I know not whether, makes us do whatever our representatives do; no burthen can pass for oppression, nor complaint for just. For we oppress ourselves all the while, and must complain of ourselves, and whatever we suffer in reality, all is ease and liberty in imagination. But this is no place for the dispute betwixt monarchy and a commonwealth. It is enough that conquest makes a conqueror absolute; that nothing can be more arbitrary than a commonwealth must be, and that a weight weighs its weight however it be laid on. It is demonstration that we cannot recover our old constitution, without our old king. It stands upon right of blood, it fell with that right, and we may as soon build a castle in the air as think to rear

and prop it again with our politic fancies. It is demonstration, that if the present quarrel come to be decided in England, we must either sit still or side; and if we side, either all one way, or some one way, some another. To sit still and save our private stakes, whoever wins the public game, may be the project of those who consider not that neutrality is for allies, not subjects. In our case it is neither possible to sit still, nor to save stakes by it, though it were possible; for where shall neuters live, when to be sure neither king will suffer either than declared friends in either of their quarters, nor count those for other than declared enemies who are not in their quarters. However we understand the true allegiance which is so dextrously sworn to both kings, the law includes in it defending them to the utmost of our power against all persons whatever; so that, which side soever prevails, the neuter can no way avoid direct treason, by the law either of King William or King James; considering then how much cause both will have to be angry, and how many to reward with forfeitures, fighting, I believe, will prove a less hazard than neutrality, and being friends to neither being enemies to both. To divide ourselves between the kings, will indeed secure the half which chuses the lucky side, but with a worse inconvenience; for balancing the parties is protracting the war, that is, feeding a fire which must consume the whole nation, and with it the fortune of every particular man. This is the very worst of errors never to be retracted, for it will no more be in our power ever to end a war, which, by equalling the forces we have suffered to get a-head, than to quench a fire which has got the mastery, and must burn on till it have spent itself in an utter destruction.

To side universally with William, is to put it out of the power even of victory itself to end the war; the most it can bring is a cessation of arms till King James recruits, or his son (true or supposed is all a case) is grown a soldier, whose quarrel too may chance to fight before he be strong enough to fight himself; neither can we promise ourselves so much as a truce. For as we are impatient enough of being subject to arbitrary, conquering mercy, 'tis all to nothing we shall whine away our breathing intervals, in a new war betwixt monarchy and a commonwealth.

As nobody, who will not purposely shut his eyes, can, I think, chuse but see this to be demonstration, I will draw out the thread no longer, but take my leave of my reader and of all hopes, if we will suffer our jealousies, our animosities, our passions, and our hate of others, to blind us into a hate of ourselves, and what we should value more than ourselves, our country. Our frailties, our errors, our very crimes, may yet be cancelled, and every one who needs a pardon, be sure of it, because he may deserve it. Our religion and laws may yet be secured to us, our old constitution may yet be recovered, and with it a lasting quiet, instead of confusion and desolation otherwise unavoidable. In short, it is yet in our choice to be happy or miserable; to chuse misery is plainly a madness beyond any which ever came within the walls of Bedlam, and nothing but madness to such a degree can make men do it; as he well understood who said in his Pagan language, *Quos Deus vult perdere hos dementat prius:* "From those whom Jupiter would destroy, he first takes away their wits."

God in his mercy forbid that we should be the unfortunate generation, which fills up the measures of our fathers, and of which shall be required all the righteous blood shed from Abel to Zacharias!

The Dear Bargain; or, a true Representation of the State of the English Nation under the Dutch. In a Letter to a Friend.

Burnet admits the discontents which were excited through the severity of the king's retirement, and his natural predilection for his countrymen and ancient followers, which were turned into matter of accusation against him, by the jealous and irritable people of England.

"Another prejudice had more colour and as bad effects. The king was thought to love the Dutch more than the English, to trust more to them, and to admit them to more freedom with him. He gave too much occasion to a general disgust, which was spread both among the English officers and the nobility. He took little pains to gain the affections of the nation, nor did he constrain himself enough to render his government more acceptable: He was shut up all the day long; and his silence, when he admitted any to an audience, distasted them as much as if they had been denied it. The Earl of Marlborough thought that the great services he had done were not acknowledged nor rewarded, as they well deserved, and began to speak like a man discontented. And the strain of all the nation almost was, that the English were overlooked, and the Dutch were the only persons favoured or trusted. This was national; and the English being too apt to despise other nations, and being of more lively tempers than the Dutch, grew to express a contempt and an aversion for them, that went almost to a mutiny. It is true, the Dutch behaved themselves so well and so regularly in their quarters, and paid for every thing so punctually, whereas the English were apt to be rude and exacting, especially those who were all this winter coming over from Ireland, who had been so long in an enemy's country, that they were not easily brought into order; so that the common people were generally better pleased with the Dutch soldiers than with their own countrymen; but it was not the same as to the officers. These seeds of discontent were carefully managed by the enemies of government; and by those means matters went on heavily in the House of Commons."—BURNET, 1753, 12. IV. 162.

YOURS of the first of May came safe, by which you have exacted a task from me which I fear I shall not be able to perform answerable to your expectation. However, I will not decline giving you the best satisfaction I am able; and this so much the rather, because I have of late had some conferences with the most judicious men of the nation, and some opportunity of entering into the very secrets of the cabal, which have been so industriously concealed even from our representatives.

As to the first question, what was the design of the late parliament, begun Feb. 23, 1688, to vote a taking into consideration the state of the nation, and what obstructed their proceedings thereupon; and how it comes to pass that nothing hath been proposed, till of late, on that head, in this parliament, I shall answer it in few words.

As to the design of the house, many honest men, no doubt, intended (what you mention) an impartial enquiry into the transactions of the last summer, and the present grievances we lie under, but the major part intended nothing less; all their design was to get money to support the present government, that it might support them; and therefore to induce the country more readily to submit to the most heavy burthen of

taxes, they were pleased to seem to allow that an enquiry should be made into the public revenue, how it had been expended, and who were chargeable with the ill conduct and success of our affairs, both by sea and in Ireland; but neither the government, nor they, as I said, ever intended either.

For as to the expences, the accounts were given in so general, so extravagant, and so uncircumstantiated, that a very judicious member of the house told me, he blushed to see their impudence in offering them. A further scrutiny was expected, but to divert that some miscarriages were acknowledged, and Sir Richard Haddock and Commissary Shales were exposed,[1] but without intention, as we see, of ever letting them come to a fair trial; and when the money-bills were perfected, and it was but whispered in parliament that other persons and miscarriages were to be inquired into, there followed a precipitate prorogation, to shew that money had been the sole business to be effected; and the questioning some great men (amongst whom the state Gaviston in Holland might have been one) was a galling sore, which was not by any means to be touched.

It is now obvious, that the getting of more money was the primary inducement to the dissolving of that parliament; for it being found that no more milk could be got from that teat, a topping lord advised the trial of another, and undertook that a church of England parliament would give down afresh as much as could be expected; and it appears that his lordship was not mistaken.[2]

As to the other part of the question, how it comes to pass that there hath been no farther progress made in that affair by this parliament, all the reason I can give is, because they are more intent upon securing their king, since he appears cordial to our church's interest, than they are for the ease of the subjects.

However, after they have voted the bleeding of the nation, even to its swooning, they are pleased to cast some cold water upon it, by a vote of April, for a bill to "enable Commissioners to take an Account of all Public Monies since the 5th of November, 1688." But since they had so near finished the supplies before this was moved, it looks like giving a cordial after a mortal wound, and can be of little use now but to hasten their dismission into the country, to be the executioners of those they have sentenced to bleed almost to the last ounce.

As to your second desire, of having my sense of the condition of the nation; since neither of our representatives, through a timorous or time-serving spirit, have entered upon a disquisition of the true state of the nation, whilst they might have done it, that is, before their money-bills were passed, I shall, with as much brevity as a matter of such importance will allow, give you such a representation of it as may serve to awaken us out of this wonderful lethargy with which we are so oppressed, that we seem to have no sense of the present or infinitely greater miseries which are rolling down upon us.

[1] Shales was commissary general to the army in Ireland. He was impeached by the commons in 1689, as the cause of the miscarriages and protraction of that war, and they prayed the king to let the house know by whom he had been recommended. The king promised to secure Shales for trial, but flatly refused the remainder of the commons' request.

[2] This alludes to King William's availing himself of the service of the tories, when the whigs began to be less tractable and reasonable in their demands:—"It is certain, that Lord Nottingham's dexterous hint, that those who had scrupled to make the prince king, would make none to serve him on his own terms, had sunk deep into his majesty. And no sooner did he become sensible that the entire confidence of his makers was at an end, than he grew weary of their tuition, and laboured to balance their ascendancy in the House of Commons by making friends with the contrary party. He wanted *these* now to secure to him all the prerogatives of the crown, as he had wanted *those* to put him in possession of the crown itself; and made it appear that though he came professedly to scourge past abuses, he could not bear any one of those measures that was necessary for those ends."—*Ralph*, II. 77.

The Matters I shall treat of shall be reduced to these following heads:

First, The state of our trade.
Secondly, The condition of our country.
Thirdly, The posture of our military forces both by sea and land.
Fourthly, The uncertain state of our religion.
Lastly, Some considerations about the government.

In setting down the state of the nation in these particulars, I shall, with all plainness and impartiality, shew in what condition we were before this Revolution, to what this government hath brought us, and to what it is yet likely to bring us farther, if it goes on as hitherto it hath done.

First then, as to Trade.

I call to witness the whole trading part of the nation, however affected, and particularly that of this great city, both at the Exchange, Custom-house, and, with their lordships' leave, at the Treasury too, if, to the very last year of the last reign, there was not more merchandise exported and imported, than had been in the memory of man; for the veriest enemies of King James confess, that he was more intent upon the advancement of trade than any of his predecessors: To this he had the greatest regard in his negotiations abroad, and in his councils at home; witness his care and industry in breaking the woollen manufacture, which some of his dissenting subjects, who fled from England for fear of persecution in the beginning of his reign, had begun to set up at Leewarden, in Friesland, and Lunenburgh, notwithstanding all the encouragements were offered to them in those countries of houses gratis, a fund of 20 or 30,000*l.* and that such progress was made in it, that near upon forty looms were daily kept at work; which great work he effected by promising pardon and liberty of conscience.

For the sake of promoting trade, he would not enter into the confederates' league, nor hearken to the overtures of France; hoping, by such a neutrality, to put the most part of the trade of Europe into the hands of his own subjects.

For the sake of this, he, in the mean time, made those acts of grace and indulgence to all his own discontented and dissenting subjects, that they might be able and willing to undertake so great a traffic, (by having united interests, notwithstanding diversity of opinions) and a lasting insurance of a quiet enjoyment of what they got to themselves and families.

For the sake of this, a scheme was drawn about August 1688, of a farther improvement of traffic in his kingdoms of America, applicable to other places; whereby our merchants would have been able to undersell all their rivals in Europe.

Lastly, For the sake of this, he ruined and sacrificed all that was dear to him; for hereby he enriched the ill-affected part of his subjects against himself, and made the rest wanton. He made the Dutch jealous and envious, and in spite of their avarice, contribute to that fatal expedition. So that, while those of King James's religion looked upon him as a martyr for that, the trading part of the nation ought to look upon his sufferings as the effect of his endeavours to enrich them.

In this happy and hopeful way of thriving was the trade of the nation found at the beginning of our change: How hath it been improved? How preserved? Some indeed were made believe that all would have been bettered by the change; that the Dutch fleet and ours joining together, we should both have carried on the same common interest and commanded the seas and traffic together: But by the sequel it appears, that

this was only suggested to make the credulous merchants advance the loan of 3 or 400,000*l.* to settle the new government. Some of the most eminent citizens were so confident of the truth of this happy conjunction, that one of them told me, "Such effectual care would be taken to depress the power of France, that a cock-boat of theirs should not pass without a licence; so that if King James meant to return, it must be in mussel-shells."

But this was reckoning without their host: The Dutch, as cordial as they were, did not intend to part with their advantage so. It was enough that they had saved our religion and property for us, and sent us a king after our own heart, who should do our business for us at home, before we ventured abroad. Accordingly, having got possession of our ports, magazines, stores, and navy, well fitted and prepared to his hands, and the land-forces all yielding to him, the first he did was a work of retaliation and gratitude, to furnish them who had helped to set out him: The Dutch merchants therefore had very sufficient convoys, outward and inward, by which means they got the first markets for sale of all their own commodities, as also the pre-emption or forestalling, if not the monopoly, or sole buying, of all foreign ones. They have also got a free trade into all factories and plantations abroad, (a matter of the highest importance and dangerous consequence for the future) and are letting in the Spaniards also for a share into our West Indies, upon very good consideration for themselves; witness the negociations here of Don Castaliano, under pretence of furnishing Jamaica, formerly belonging to Spain, and other our plantations, with negroes.

In the interim, our outward-bound vessels lay halling, and at anchor in the river, and all other ports, all the last year, for want of convoys, or by embargoes, or stripping them of their seamen, whereby above two millions of our commodities, to the no small loss of the merchants, were stayed in the river and port of London only, besides the like damage, from the same causes, in other ports of the kingdom.

And it is too well known, that after a tedious and endamaging expectation, all the merchant-ships which could be made ready, in hopes of a safe convoy in company of the Queen of Spain, to the number of 400, some while before her voyage, suffered infinite damages by an hurricane on the 11th of January, 1687, to the value, as some compute, of half a million more; besides the loss of near upon a score of merchant-ships, and some hundreds of seamen washed upon the Kentish shore. It may easily be conceived how chargeable the very refitting again of the merchant-ships, the supply of fresh goods and men, have been; yet after their voyage, under convoy with the Queen of Spain, another most violent hurricane hath shattered them near the Groin to that degree, besides the loss of more than as yet can be known, or is fit to own, that the merchants will in the upshot find a very sad account of this adventure, if they miss the French in their going or returning.

If there were only a suspension of trade for a while, there were some plea for patience and hope; but the mischief is as desperate for the future, as it is irrecoverable for the past: For, First, The French have given us a *coup d'essay*, a foretaste of what we must expect this year, by what they have done the last. It is notoriously known, and too smartingly felt, that they have taken in our own seas, in the Streights, and elsewhere, since the war began, near upon three millions worth of our merchandize, with above 400 vessels, and 3000 seamen, and are now, in conjunction with the Algerines, to seize our ships in foreign ports; they are upon the matter lords of our own seas, and by disasters, storms, and surprise, we want near upon fifteen of our men of war we had in King James's time; and we hear of no new ones built, but are put to the pitiful shift of fitting merchantmen, which now want traffic, to be men of war,[1]

[1] Bishop Burnet admits, that although the English were masters at sea, the war was so ill managed that they were great losers.

The seamen that used to be employed by our merchants, have been often taken out of their ships for the use of men of war of this new rate, when it was found, after long beating up of drums for the new marine regiments, that none came in but such as would make the black guard look thin by torch-light. A cruel method hath been taken of pressing men, even such the law exempts, and with that rigour, and so contrary to the statutes, and with such reluctancy of those pressed, that the round-houses in the city, and prisons in the country, have been for some months continually filled with them; and as one company was transported, others have been seized and secured; neither have women escaped, to be made laundresses and nurses. Yet the parliament hath taken no notice, to give a stop to such tyrannical and arbitrary proceedings, only upon complaint of the Earl of Carnarvan, April 24th, of the rudeness and insolence of one press-master, who seized an old man above sixty years of age, in the boat his lordship was coming in from Greenwich, and threatened to do the like to his lordship. The lords ordered the old man to be set at liberty, and the press-master to be taken into custody, but proceeded no farther to have the abuses in general rectified. However, this unwillingness to go without compulsion, is a certain sign how little zeal the very mobile have now to the cause, and how small service can be expected from them; though this kidnapping will contribute to the general design of weakening the nation, of which I shall have occasion to write more fully hereafter. Upon the whole, we can see little hopes of our own abilities alone, whereby we shall be able to keep ourselves from being prisoners in our island, and less from the Dutch assistance. Where then is the prospect of recovery? Certainly not so long as the war with France doth last.

But, Secondly, Suppose that war ended, and the French humbled to our wish, we shall still have the Dutch to deal with; they have been always our rivals, and are now our masters. Do we think they will ever let us get up again, or re-enter into that universal trade which they have occupied during our cessation? It is their interest (and they know it and love it too) that the French should drain us as they do. A man would think there was very good intelligence between them; we hear of very little harm they do each other, either by land or sea, and I believe they will not fall out into any greater hostilities on our account; they have dealt fairly hitherto, and upon the square, the Dutch have our trade, and the French our ships and men: Indeed they have no great ground for a quarrel, nor ever had of their own, but they have great motives to keep it up, now it is begun, at our charge. When we are quite undone, and brought as low at sea as the French were some years ago, then indeed the Dutch and they may fall out in earnest, and be as troublesome to each other as we and the Dutch have been formerly; meanwhile we have all the reason in the world to look about us.

The states are as wise as their neighbours, and as good at self-preservation and getting wealth; they could timely slip themselves out of the league in the last war with France, and now they cannot but foresee how the elevating their prince to the throne of England may give him some advantages over their liberties, or engage them in a war diametrical to their trade.

The Loveisten faction is not yet extinct, and the blood of the De Witts may be yet remembered, and when we hear their statues shall be set up, that of the prince's will not long continue undemolished. If, therefore, after our being thus disenabled, they should clap up a peace with France, where should we be, unless we were masters of a wiser conduct than has yet been discovered?

It is to be wished our great council had learnt a little state-craft from them. It is worth a sober thought to consider how industrious the Dutch have been to make use of this opportunity to know all our ports, shipping, magazines, and revenue. And they would do well to enquire into the reasons why their ambassadors, the last year, were made the committees of our councils. They know, no doubt, what use to make of these advantages, as well as they do to hinder us from having the like over them.

They take care we shall have no men of war in their ports, and Mynheer Bentingh himself shall be no more admitted to their secret consultations, since he is become an English earl;* but we, kind-natured fools, not only expose our weakness to them, but give them up our trade, and pay them too for their enslaving us; for whereas our loss of trade to them, and the giving such a diversion to the French, has been worth to them more than all the pure silver in their bank, and all the seven provinces, yet we have been so kind, and so afraid to displease them, that we have, upon their demand, notwithstanding their debt owing to England, ever since Queen Elizabeth succoured their poor distressed states, ensured them 600,000*l.* for an acknowledgment we are their vassals.

It was not so with us in former times; for the very blackest of parliaments, and Oliver Cromwell himself, though they had murdered King Charles I., and banished his son, and had nothing but their own army to rely upon, and in the very infancy of their government, yet had that due regard to the interest of England in point of trade, that they undertook a war against the Dutch with such vigour, that they forced them to better terms, and a more commodious adjustment of trade, than we ever had before.

Soon after the restauration of King Charles II., acts were made against importation of foreign commodities in any other than English vessels, or from any other place but that of their growth; also to prohibit the bringing in of several manufactures, and particularly buttons, and that no hides, tanned or untanned, should be exported; but since the Dutch have become our masters, nothing is to be questioned they bring in, as may be seen in the entries at the Custom-house, even to hair and other buttons. Even our men of war and yachts bring in and help us to some prohibited goods which our merchants cannot fetch; and, under pretence that the act for bringing goods of the growth of the respective countries in English bottoms, only was prejudicial, and had been sometimes dispensed with in the last two kings reigns, our present governors, more to gratify the Dutch, and cover our weakness and inability to traffic for want of convoys, than out of any just scruple of using the dispensing power in such a case, have repealed those laws for that very end, that we may have such merchandize only from the Dutch. And lest we should have the advantage of vending abroad shoes and boots made in our own country, by which a great part of Northampton, and above a thousand families subsist, liberty must be given, by a new act, to transport leather; yet, at the same time, we must have saddles and bridles brought from our allies, to the great impoverishing of our artificers, who must pay polls and taxes to feed and clothe the riders.

If things be carried thus by Dutch councils and interest, we may expect, ere long, to have every thing brought in Dutch bottoms also, and then all our merchants must turn Dutch factors. Thus, in some particulars, the dispensing power is not quite extinct as to the Dutch; our laws, of the greatest importance as to trade, must be made bold with, even to the face of the legislators, to gratify them.

This partial connivance towards these good neighbours of ours, is attended with one aggravation, which much dejects our merchants, and ought to fill them with indignation; and that is, the neglect of all their complaints, both in relation to this grievance and all others.

They are able to name and convict the immediate authors of these abuses; they offer to prove the bribes and corruptions which have induced those who ought to have secured them, to unman their vessels, and expose them to the French; and though the Lumley-Castle, which had been three years abroad, and the East-India ship did not fall into the hands of the French, yet the merchants have more reason to thank the care of the masters that they came safe home, than the kindness of the sea-com-

* Earl of Portland.

manders who took their men out of them, without making them any satisfaction for the arrears of their wages, and threatened the master to put him in his own bilboes.

Whoever desires farther satisfaction in other particulars of this nature, may find petitions exhibited to the parliament, even in the printed votes, of persons endamaged by such abuses, but no account of their redress.

There they may find Captain Churchill accused for his exorbitant exactions for convoys, and other fees, whose case was so odious, that for very shame he was sent to the Tower, but released in three days, because he was my lord's brother forsooth, and a member; one would have thought the second reason should have kept him there, seeing such crimes are more enormous in them who are sent by the people to redress and punish the like in others.

But, alas! what do we talk of redress, when there is so great a number of such officer-members amongst our representatives? No less than fourscore brave brisk sparks, who are the most assiduous and active in the house, especially when the money-raising debates are on foot; the one hand plays into the other, the member acts for the officer, and the officer does better service in the house than in the field, and is a kind of double representative, for his borough and for his regiment, one of which feeds on the other, and he on both; and no doubt but they who have the beneficial offices in the Treasury, Admiralty, Custom-house, and other branches of the revenue, are of the same kidney.

This was the policy of the old Long Parliament of 1640, to concert these two capacities, *arma et toga*, the gun and the gown, in one and the same interest, till old Oliver, with a self-denying ordinance, slipt them asunder, and devoured both.

Indeed, the silk-weavers had better success in their complaint than the merchants; but they may thank their number and their poverty; they had nothing to lose, and ventured no more; there was more of fear than compassion in the alleviation of their grievances.

——— *Ne magna injuria fiat*
Fortibus et miseris.

And the bill for impositions on new buildings, and prohibiting more, found its stop from the same apprehension of numerous petitions, from the infinite numbers of carpenters, bricklayers, &c., our very champions for the new foundations of their monarchy being afraid to pull an old house about their ears.

For, had it been a sense of pity or equity which put a stop to that prejudicial act, why might not so many thousand families, in the like condition, and of such like trade, in this city principally, and over all the kingdom, now unthought of and unregarded, pretend to the same relief? Are not all the shopkeepers, all artificers and labourers, to the very porters and draymen, involved in the same predicament with the silk-weavers? Do not all their employments depend on the merchants, and their livelihoods on their employments? How then can they subsist when he fails? Indeed the shopkeepers hold up a little yet, by raising the price of their wares, because of their scarcity; but that is like living upon cordials, and cannot last long. When the regular circulation of commerce is intercepted above and below, when the merchant can bring in no more supplies from abroad, nor the impoverished customers come up to the raised price of the old stores, they must be contented to be without foreign commodities, when they want wherewith to get home-bred necessaries.

If the damages sustained thereby had only fallen upon the merchants themselves, a lesser charity than mine would have mixed some reproach with pity for the misfortunes they have drawn upon themselves: But, alas! they strike too far into the very vitals of the nation, and run over the whole body of the inland people, who, to the

number of 200,000 persons, are, and are like to be reduced to beggary, for want of transportation of our staple commodities. And this gives me a transition to the next head of this memorial, viz.

The Consideration of the Country.

Let us see, first, how our representatives left it at their first coming up to the convention, and then in what plight it hath been ever since this revolution. They talked once of sending commissioners to enquire into the state of the fleet, and of their army in Ireland; would they had done so in their respective countries! I believe the account would not have been very welcome, especially when they were told who were the authors of it.

We cannot but remember, that in King James's time, and for a great part of King Charles II.'s, for almost fifteen years, there had neither been land-tax nor poll; the whole country enjoyed the unspeakable benefits of peace and plenty, at full liberty to improve, to the utmost advantage, the production of their labour and industry, without one penny of charges for all the ease and safety they enjoyed; the tenants and farmers grew rich; the landlords had their rents well paid, and their estates improved; nothing was wanting but a true sense of their happiness, and a desire to preserve it.

And though there was an army then, it was of natives, which cost the country nothing; the king maintained it out of his own revenue, taking all the care possible the soldiers should not in any sort be a burthen or a grievance to the country.

This is a short summary of all those blessings, which, if dilated upon, would turn this remonstrance into a panegyric very unacceptable to those who are accountable for the loss of them.

I wish I had the art, with the same brevity, to sum up the miseries and calamities which have succeeded these blessings, and which, worse than Pharoah's lean kine, have in twice seven months consumed the harvest of as many years; but there is too much confusion and disorder in this to admit of any rules or methods of expression; complaints, in things of this nature, will be poured out in their own way, and in their own measure; there is no digesting of them; a man may as well discipline the rabble as describe these grievances of the poorer sort of the common people.

For to begin with them, what a dismal sight is it to behold the perishing state of such an infinite number of men, women, and children, in almost all counties of England, such as spinners, carders, weavers, &c., employed about the woollen manufactures; such as miners, and other labourers, in the lead, tin, alome, and iron works, who are now turned off, or so abated in their wages, that they are forced to beg, steal, or rob, for the subsistence of themselves and their families, to the continual terror of their neighbours who have any thing to lose, and to the cramming of jails with the carcasses of so many wretched criminals, who were before useful and necessary for the prosperity of the nation? And this being the notorious condition of the vast body of the inferior commoners in the lesser towns and adjacent villages throughout England, was there not one burgess in either of the parliaments to put in a good word for so many poor dependants of theirs, that they might be left out in the poll-bills? But they must be sentenced to pay for their heads, because they had nothing else, and to ransom, by a kind of Turkish tribute, their numerous fry of young ones too, it being all the stock they had to be rated for.

Was chimney-money so great a burthen that it should be taken off, and this put in its place? This, I say, which fell heavy on those who had neither children nor chimnies to pay for, poor servants of both sexes, whose wages were half decimated, and every pound went for a child; the sweat of their brows was taxed, and Adam's curse

aggravated with a new imposition; the poor man laboured all the year for bread, and paid for it when he had done.

But perhaps the condition of the next rank of commoners is more tolerable, I mean that of householders, such as farmers, and petty freeholders, whose livelihoods consist in their stocks and husbandry, managed and improved by frugality and industry; nothing less, for the misery increases in proportion to their ability, and their tax-masters have, with very great discernment, allotted them out their share in the common calamities; for, besides what they have suffered from our new standing army, (of which I shall speak more under the next head) they have been so handled by the raters and leviers of our modern taxes, that the same hath been exacted three times over from the same fund; when, besides the land-tax of twelve-pence in the pound, there hath been as much upon the stock, and as much upon ready money, not regarding whether, or how much the owners were indebted, sometimes even to the value of the land itself; so that in some cases, and in several places where monies have been lent out upon mortgages and personal securities, (suppose to men of trade, and in order to it) a threefold tax hath been exacted from the same income; and now this year the same is to be trebled, besides the survey of the last, and a new most rigorous poll-bill, beyond all precedents, as well in relation to strictness, as that two shall be granted in one year, and made concurrent with the other impositions; and when these payments are over, we are put in hopes of a convenient augmentation at every session of parliament to be doubled or trebled, according to the arbitrary necessities of the government; so that out of the stock of the countryman, being already so greatly diminished by the fallen price of wool, corn, and cattle, &c. left upon their hands, or sold at under-value, by that time their rents are paid, their tithes and church-dues, their rates for the poor, (never so numerous as now) their other constable assessments, excise and county charges, being deducted out of the remainder, how much is still left to pay the public? and that done, how much yet to provide for old age and children?

As to the condition of the gentry, and other sorts of freeholders, it is in all respects proportionable to the other, and the emptiness of their own purses will soon make them sensible of the poverty of their tenants; and this impoverishing of the gentry will soon be so much the more unsupportable to them, as the condition they are born to, and have hitherto lived in, renders them unfit to get their maintenance by labour and industry.

To these I might add the excessive losses many have had by the mobile's plundering of their houses, burning and destroying what their rage and blind zeal prompted them to, and the expences others have been put to at the beginning of the change; every one knows what a charge the country was put to in arming to defend themselves against the imaginary massacring enemies, which the false, but designing alarms affrighted them with. Others (who are less to be pitied) were at voluntary, but yet excessive charges, in equipping themselves to shew their zeal for the Prince of Orange.*

But the free quarter which the whole army had given them, or took for some months, put the chiefest charge upon the country, to all which we may add the havock that has been made by the new-raised regiments, the standing English army, and the foreigners prodigiously increased by new recruits, the Danes, and the fry of their wives and children, which, to the number at least of 30,000 of all sorts, live upon the country, and devour more in a day than they pay for in three, if they pay any thing at all. All which expences the country hath been put to in these particulars will certainly amount to as much more as hath been paid to the States for their assistance.

*A false alarm that an army of Irish papists were landed and employed in plundering the country, was one of the stratagems used to forward the Revolution. One Speke, the brother of a gentleman executed as an adherent of Monmouth, was said to have been active in spreading this report.

If this were like other calamities, such as dry summers, and hard winters, it might be borne with, in hopes of better times; but when they are like to last as long as the government itself, which has no other bottom to subsist upon, but this continued pressure of the poor country; and when the gentry and rich citizens hedge in their own stocks, partly by being in commission for the regulating and raising these taxes upon others, and dealing civilly with themselves; partly by getting into profitable offices in the state, or in the army; are not the countrymen like to be in a miserable state, being already near upon reduced to the condition of French peasants, which we so pity and declaim against, under the slavery of the Lord Dutch and Lord Danes? So that the imaginary fear of French government will soon bring us to a real experience of the so-much-talked-of canvas breeches, bare legs, and wooden shoes.

That it must come to this is too evident, (for we are no more the English nation we were sixteen months since,) and they who alone can hinder it, have no intention, it seems, to prevent it; as may be guessed by the saying of one of our modern patriots, who, to an honest man's compassionating the sufferings of the country, replied, "That if a colt of a month old could bear a pound weight, the next month it would bear two; and so in a very few months, might become a very good beast of burthen, and, if need were, an excellent pack-horse." A very fit allegory, first 12*d.* in the pound, then 2*s.* and 3*s.* in the pound, a doubled poll, and in a little time a supply unstinted. But such had best beware, our English breed are very skittish; they will be apt to kick and wince, and cast their masters; we have known them throw their burden, and turn their riders to grass.

I come now to the third head, "The Military State of the Nation;" in which, as in the two former points, I shall briefly touch what it was in King James's time; then make a parallel what it is at present.

I shall not inquire into the motives, which in this age induce all states and princes to maintain a standing force; their jealousies of their neighbours, and the necessity of having a disciplined power to defend their countries, seems abundantly sufficient. As to King James's army, I have already touched how careful he was to keep it from being any wise burthensome either to the public or private persons. To which I may add, that on the contrary, he made them beneficial in all places where they came, by causing them duly to pay for what they had; and so advantageously spending the commodities of the country, that it made them welcome to their quarters, and raised the price of the market to the profit of the buyers and sellers.

It is true, there were three regiments of dragoons, and some foot, who had been at Tangier, who lived disorderly, notwithstanding the king's proclamation, and strictest command to the officers to prevent it: But these were the very first who revolted to the prince; boasting that, besides the early service, they had done him greater, by oppressing the country; which they did for no other end, but that they might alienate their affections from King James, and make them more readily admit the prince, who pretended stricter care and discipline.

It is evidently known, that no prince or general was ever more indulgent to his troops than he; he not only fed and cloathed, but advanced them; and had so much of the spirit of the Roman generals, that he treated them as fellow-soldiers, and permitted the general officers to sit covered at his table; he took a most special care that all things, even to superfluities, should be provided for them; and was in all things more like a father than a master to them.

They were all natives of their country, and so the most likely, (as well as the most obliged) to preserve its peace, and defend it against strangers: How many families of the nobility and gentry did there find an honourable and plentiful provision for young-

ers brothers, who must otherwise have remained exposed to idleness, and all its vicious consequences? How many private persons, unapt or unable to drive a trade, were therein settled in a profession and employment, which might maintain them competently, without danger of jails or gallows?

Neither was he less careful of his stores: It is stupendous to conceive how he had furnished all his ports with artillery, and magazines of arms and provisions; insomuch that the officers of the ordnance acknowledged, that no less than 50,000 arms, with all other ammunition proportionable, were lodged in the Tower of London alone.

This for the land forces.

And as for the fleet, all the officers of the admiralty, and secretary deputies in particular, can testify, that his naval magazines were so well provided, and his ships in so good order, his seamen so well paid, as the like had not been in any two ages before; insomuch that his stores alone, by a modest computation, cost him betwixt two and three millions; and that which adds to the wonder is, that in his short, and otherwise expensive reign, all this was defrayed out of his own revenue, without any publick tax, notwithstanding the extraordinary charges he was at in raising new forces, and equipping his fleet upon the Prince of Orange's invasion; yet he paid his army to the middle of December, before he left England; and left in the Exchequer, in ready money, near 160,000*l.* and in the arrears of customs, excise, chimney-money, and other branches of his revenue, 400,00*l.*

Now to give the reverse of this description: Have we not seen all these provisions in few months squandered away, or transported out of the kingdom? Is not the Tower almost emptied of arms and ammunition? Have not all our naval stores been long since exhausted? And though, besides the revenue, (with which alone, as I said, King James did all this) there has been given to the prince above three millions; yet, to the wonder of the world, all his soldiers, both by sea and land, are greatly in arrears; and if they do not belie their masters, have little more than subsistence money paid them. And as to the seamen in particular, they are not only left unpaid, but have been so ill provided with wholesome victuals, that above half of those who were on board the last year are dead of a kind of plague; yea, more perished, as some old seamen told me, than in any three of our former sea engagements; and those that have been set on shore, in hopes thereby to have recovered their health, have many of them, for want of money, been found wandering to their friends bare-foot and bare-legged, even glad of any alms in their journey; which shews, that since their commanders have espoused the Dutch interest, they have put off the charitable nature of true English: This usage being so publickly known, it is not to be wondered that the gazettes every week give us an account of so many deserters out of the marine regiments.

And what is the cause of all this, but the sending away the money into Holland, which should have been laid out upon provisions in season, and not to have left them to have been taken upon tick, even beyond the credit of our purveyors?

What end and motive some may have thus to exhaust our stores and weaken our naval force, is not difficult to surmise, when we find such shoals of Dutch and Danes come over to supply our want of seamen, and take possession of our men of war, as well as our forts and havens: And whereas for a recruit of all these losses, the Earls of Pembroke and Torrington have, though with great difficulty, near upon completed their marine regiments; yet, because they are most of them raw, unexperienced men, and have been forced altogether against their wills, and promise no great zeal to the cause, we may upon rational grounds conceive, they may be sent to serve their apprenticeship, and learn their trade under the Dutch, who will lend us some of their more expert ones the while, as well as our land forces have been sent to Holland, in exchange for our more trusty Dutch deliverers.

This design of utterly disabling the strength of our nation, and bringing us to depend entirely on strangers, will appear more manifestly, if we consider the treatment and the usage of our land soldiers, and the miseries they have been reduced to here, in Holland, Scotland, and Ireland.

As to England; though the army which was left by King James, and to which, as I have told you, he had so tender a regard, was indeed most ungrateful and treacherous; insomuch that, in the judgment and language of the Dutch, they deserved to be stiled worse than dogs; for these, say they, will love and defend those that feed them; yet they had reason to expect some tolerable conditions from their dearly obliged new masters.

But what have they done for them? Are they better paid, better cloathed, or preferred? On the contrary, are they not slighted, laid aside, and contemned? Dares he trust those that are employed, without spies to watch their conduct? Has he not dispersed them over the three nations; sent them into Holland, nay, into our plantations in the West Indies, where what is become of some of these last is kept close, no discovery can be made, after strict enquiry? They are like the ten tribes, led away captive, never to be heard of more. Could he imprint more indelible characters of his opinion of them? Could he give a more proper reward for their treachery and cowardice?

The treason may be loved, but it is impossible the traitors should be either loved or trusted. Is it not, think you, upon this distrust, lest they, who had deserted a master who was tender of them as of the apple of his eye, should have any grudgings to return to their duty, that he is resolved to disperse them, and post them where they may soonest be dispatched, that the Dutch, the Danes, and other foreigners, more trusty to his service, may possess our country?

To effect this his secret, but unalterable resolution, the troops and regiments of King James's guards, were first dispatched into Holland, under the command of the Lord Churchill, who, if he could have been entirely confided in, would not have been entirely removed so far from the prince's person.[a]

Let us now see how they have been there treated, and how this covert design of weakening England succeeded there.

At their first landing, as several of their letters testify, they were looked upon as persons rather feared and suspected by the prince, and such as he had a mind to be rid of, than as auxiliaries for the confederates service; and their reception was so cold, the affronts that were put upon them so many, the revilings for their treachery and cowardice so sharp, and their quarters so very bad, that they could not without a sigh remember old England and the best of masters.

They were quartered in such dear places that their pay could not maintain them; especially since the dearness of the country was augmented by the extortion of their commander in chief; who having contracted with a Jew, (as he who made the bargain told me,) to find the soldiers bread at four-pence halfpenny a loaf; this famous lord, the worst Jew of the two, made the poor soldiers pay sixpence; by which excise upon his own soldiers, he might, by modest computation, put 2000*l.* in his pocket; which oppression was the more grievous, by how much their allowance of the Horse-guards

[a] Soon after the Revolution, William new-modelled the English army under various pretences, but in reality to place them under officers in whose allegiance he could confide, as many military men began to look back to their old master King James, whose cause they had left in the fervour of the Revolution. This occasioned discontent among the soldiery, which was inflamed by the exasperated state of the nation at large. In order to eject this evil spirit ere it became too mighty to be mastered, and to replace the Dutch troops, for whose return the States expressed impatience, the most refractory English regiments were ordered to Holland. The design was not executed without difficulty. One regiment (Dunbarton's) mutinied, and declared for King James. They were suppressed with some trouble, and sent to Holland with other troops destined for that service.

was less by three-pence in a day than the Dutch guards have here, and our country cheaper by more than a third part.

From this scarcity and the change of diet, from English beef, mutton, and veal, with wholesome beverage, and an open air; to feed upon herbs and roots, drink a muddy beer, and suck in a foggy air; the soldiers were starved into diseases; and being in an unhospitable land, and under new and pitiless commanders, had no care taken of them, but were suffered to die like English dogs, as they were usually stiled by them; there you might see them sprawling by parcels, and groaning under the double gripes of their bowels and their consciences, to see themselves cheated out of their allegiance, country, health, and life itself. The number of those who died there, amidst those miseries, not in battle, for they would not give them that honour, amounted to 5,400, before Major Birch returned hither for recruits, as he told the doctor, his brother, in the presence of an eminent member of parliament; though he and others, the more easily to get recruits, have, at other times, and in other companies, the policy to conceal it.

Thus much for Holland.

As for our armies in Scotland, we hear not much indeed of any sickness there; they were upon the same continent, and in places where they could command all things necessary; but we hear how miserably the country has been harassed by them, and how they have been treated in the country; we hear how considerably they have been diminished, by the valour of half their number of new-raised and half-armed Highlanders; who, though not above 2500, slew and took prisoners near upon 4000 of Mackay's old disciplined men; and had the valiant Dundee over-lived that day, that kingdom had long ere this, been reduced to obedience to their lawful king.[1] May the courage and conduct rest upon some other, who may not only oppose the oppression of their country by foreign forces, but drive out the rest of those who have dethroned their lawful king, and abolished episcopacy there!

But the dismal scene of all is Ireland; there it is the hand of Heaven hath visible met them, in the middle of their impieties, who durst venture to face him whom they had betrayed; and chose to follow an ungrateful foreigner, against God's own anointed; to whom they had so often sworn fidelity and allegiance, and to whom he owed his rise, as is known to the world.

I take Heaven to witness with what compassion and horror I enter upon this point; for though all these plagues, in the opinion of most, fell justly and seasonably upon so many desperate and incorrigible enemies to their king, yet humanity itself must needs shrink at the sight of so many agonies, transcending most of the cruel executions that have been inflicted on malefactors; for, when all is done, they are our fellow-countrymen that suffer, and the loss of so many will fall ultimately upon the whole nation, so far weakened, and rendered more defenceless: No pleasant theme, I am sure, for any true Englishman to descant on; yet something must be said for a warning to those who yet survive, and a terror to the rest of our deluded people.

This army consisted, the last year, of the most active of those who had deserted King James, of some new-raised regiments, besides the French refugees, who had been so charitably received, and liberally relieved here, and of some trusty Dutch.

As for the new-raised men, they were most of them profligate persons in their lives and fortunes; the officers most of them outlaws, and bankrupts; the soldiers, some culled out of the rabble; others raked out of jails, five, ten, or fifteen from a prison, where they would have staid till execution in other times; some were runaway apprentices; others journeymen; debauched servants, or footmen, who entered into this service, as into Romulus's Asylum, to avoid the punishment of their past crimes, and to act them on with the like impunity.

[1] Alluding to the battle of Gillie Krankie.

Hence came all the calamities of the wretched countries through which they passed, not only by free quarter, sixteen days together in a place, upon the middle sort of commoners, but also by pilfering and stealing, downright robbing, and breaking houses in the night; and taking away from Roman Catholicks, and others so stigmatized by them, not only their provisions and horses, but sometimes their cattle, rifling their houses, and making havock of what they could not devour: of all which I have seen letters from several in the northern counties.

In particular, how the Dutch officers shot, and carried away several heads of deer, from the Duchess of Buckingham's park, at Nun-Appleton; and Captain Beal, and his brother, from Haslewood Park; but some will excuse this as no felony in soldiers; and that it was for their masters service, to feast themselves and soldiers: but I know not what can be said in defence of Colonel Villers, who caused all the gift-horses, belonging to very many several persons, neither papists, nor popishly affected, to be driven out of Sir Roger Strickland's park; many of which, not fit for service, he sold for 5*s.* a-piece. Neither was this done only by him in these places, but in several other counties in his march; as it was likewise done by other officers; whereby their soldiers were encouraged to follow such examples in taking cattle; causing the countrymen to carry hay-stacks, and other provisions, from remoter places, to their quarters, as if they had been ravaging in an enemy's country.

And when application was made to some justices of the peace, whom I could name, the answer was, "They knew not how to relieve them:" besides this, it is well known, how they have beaten, kicked, and wounded, even mortally, those who offered to save what they had, with this stabbing sarcasm ever in their mouths, "Damn ye, ye dogs, do not we fight for your religion?" And yet no punishment of, nor enquiry made after the authors of these villanies; the inferior officers going shares with them in the booty, and the superior ones not daring to question either, because they gave them little other pay.

After they had thus marched over the most plentiful parts of England, like so many Egyptian locusts, they rendezvouzed, covering the face of the country with dearth and desolation, till a bidden wind carried them to the sea, never to be seen again in England.

There went over, and joined them in this expedition, an army of 22,000, as my Lord Ranelagh and Mr Harbord know; but there went only back into winter-quarters, as Mr Waller related to the house, 10,000; and as latter accounts informed, those were reduced to five or six thousand, till the general armed those of the country he could purchase.

By several letters from divers of Sir Thomas Gower's[1] officers, immediately after the decamping, it was certified, that they had not left sixteen men in a company; and in one letter from a captain in that regiment at Newry, a much drier place than the camp, it was expressed, that the strongest company did not exceed twenty six.

Out of the regiment which Schomberg declared to be the best that went over, there died the colonel, lieutenant-colonel, six or seven captains, besides inferior officers; which regiment, since recruited by two others which were broke, is now under the command of the Earl of Drogheda; I doubt not but the like instances may be given of others.

For the continual rains over their heads, and a boggy camp under their feet, together with the want of necessary cloathing, food and physick, and a perpetual duty, brought the disease of the country upon them; and the stench and corruption of that, a pestilential fever, which robbed them of their senses first, and then their lives.

[1] Sir Thomas Gower had been active in the Revolution, with many other gentlemen of quality, as Sir Thomas Beaumont, Sir Edward Dering, Colonel Wharton, Colonel Hungerford, &c. He fell a victim to the contagious disease in the camp at Dundalk. The Jacobites of course ascribed their fate to a divine judgment.

That this was a camp-plague, appeared by the blisters, and their carcases turning immediately black, and stinking as a gangrene, and by the lice and vermin which issued out of their plague-sores.'

That this was also a plague, sent upon them by the immediate hand of God, appears by a nobleman's relation of its beginning: "For," says he, "we expected to have done wonders, by so brave an army, so well equipped, the like of which was never sent from England; nay, we carried all before us, till we came to Dundalk; there King James sent a remonstrance to our general, representing his innocence, and the malice of his enemies; for a trial of both which he summoned us to battle, concluding with these words, 'And may God so prosper my arms, as my cause is just, and I never designed the prejudice of my subjects!' To which our general made a short answer, concluding it in these terms: 'And may God so prosper my arms, as mine and my king's cause is just!' A heavy curse, which was immediately heard by Heaven; for in less than three days, the plague broke out to that degree, that we never after durst face our enemies."

Yet this severe judgment of God made little impression upon the living; for, as many letters, as I have seen, testify, there appeared not so much as humanity, much less christianity amongst them; cursing, swearing, damning, and all sorts of profaneness, were still there to an high degree; and their very hospitals were, as one expressed it, the most lively representations of hell, for the blasphemies, as well as torments.

Sir Thomas Gower's gentleman indeed relates, that his master, upon his death-bed, begged God Almighty's pardon, for he was a young man, and drawn in; but I hear not of many who imitated his example on their death-beds, or that his repentance moved others to remorse.

This plague came with that violence upon them, that the living scarce sufficed to bury the dead; insomuch that they chose to carry the dead and dying bodies promiscuously by cart-loads to the adjacent shore, to be there buried by the next tide; for few, except those of quality, could obtain a grave: Some, it is true, as the minister of Belfast assured a friend of mine at Carlingford, (as being then an eye-witness of it) were so afflicted to see their fellow-soldiers lie dead in the fields, swarming with lice, and the rest allowed no other grave but the sea, that when they felt the approaches of death, they desired to see their own graves made, and begged their friends to bury them, which they did, for any thing we know, before the breath was quite out of their bodies; for he spoke with one of them, who sat to see his grave made, and returning two hours after saw him buried. The carcases remoter from sea were put thirty or forty in a hole.

Nay, the inhumanity of the surviving was such, that when any of the sick, through the violence of their diseases, fell once to the ground, let their cries be never so vehe-

[1] The miseries sustained by the English army during their residence in the entrenched camp at Dundalk, are ascribed by Dalrymple to the error of the Duke of Schomberg, who had neglected to study the physical qualities of the spot which his camp occupied, and of the army which he commanded. "The common people of England, though accustomed to work hard, indulge in return in more of the conveniences of life than the subjects of any other country: for they are accustomed to enjoy dry and warm sleeping-places, raiment contrived not for shew but for health, plentiful, wholesome, and regular meals, and stated hours of labour, rest, and sleep. Hence in the inactive state and confined station of Schomberg's army, which deprived his soldiers of their wonted exercise; in the low and damp situation of Dundalk; and in the moist climate of Ireland; his soldiers, without fuel almost of any kind; obliged to lie abroad, sometimes in the open air, and at best in bad tents; dressed in cloaths to which they had not been accustomed, and which were contrived more for show than for health; pinched in the allowance of their provisions, and these not always good in their quality; and exposed to every sort of irregularity in their meals, labour, and sleep; fell into fluxes and fevers, and died in great numbers. The arrival of some troops from Londonderry imported the contagion of an infected town into an infected camp; and the evil was without cure, for the surgeons, who had brought plenty of bandages and instruments for the cure of wounds, had forgot the far more material article of remedies for diseases."—DALRYMPLE's *Memoirs*, London, 1790, 8vo. ii. 134.

ment for help to remove them to the hospitals, or other convenient places, they should sooner be stripped than assisted. In this condition a lieutenant, arriving at Carlingford with Colonel Lumly, found his brother; for walking along the shore, he heard a voice, from among the dead bodies, calling to him, by the name of brother, for help, and going to the place, he found it was indeed his brother, who had been at the ships to buy some bread and cheese, but falling there, he had been robbed of it, instead of being helped by his comrades.

Neither was the inhumanity of their officers less; for I have seen letters from undoubted hands, which said, that at first, no care was taken for any hospitals; but you should find those who were sick of fevers, small-pox, and flux, lying on the cold, wet ground, having no other drink but water, and sometimes not that neither. And though there was no marching in the camp but in mire, yet were they kept almost perpetually upon duty; every third night upon the guard, without fires to dry themselves by, when wet to the skin; so that they dried their wet cloaths by the heat of their bodies, and never put them off till rotten.

Yet there is one thing very signal and remarkable in this calamity, that there died above 100 English for one Dutchman: I know the Scotch account, Jan. 22 last, ascribes it to the Dutch being more cleanly, and using more exercise; others may also impute it to their bodily temper, more hardened to such service, and inured to the like air, and boggy country in Holland; whereas the English were, many of them, new-raised, not accustomed to such hardships, and much weakened, even in their prime, by dissoluteness and debauchery.

This, I say, may be granted; but yet there are other, no less manifest causes, of the different fates of those two parties: For, first, the Dutch were better provided for in all respects, by the partiality of the general; taken notice of, and much murmured at by the English: They had the selling of the provisions and victuals, nay even of the water too, or the oversight of their disposal, and so served themselves first. When Commissary Shales was put out, a Dutchman was substituted in his place. And under pretence there might be some deserters amongst the English, the Dutch and French were quartered in the out-quarters of his camp, which was sure to be the freest from infection, as having most open air, and the first service of provisions.

Again, most of the surgeons and others, who were at last ordered to attend the sick, were Dutch or French, strangers to the English constitution; nay, sometimes scarce novices in the calling; as Captain Topham and others fatally experienced from Sir Henry Ingoldsby's French surgeon, who was advanced to that post from being his *valet de chambre:* So that though there were provisions of medicines, even six times as much as has sufficed other armies, yet they took no store of English physic along with them, and what they did was of no use, for want of skilful English surgeons and judicious physicians; for where there was neither wound nor gun-shot, they knew not how to apply them.

Add to this, that foreigners have not that compassion and care of the English as of their own countrymen, nor as the English would have had of theirs. Indeed we had an instance of the Dutch partiality before they went from hence, for their wives had sixpence a day allowed them, and some proportion for their children; but the English not a penny.

All these things put together, give us, I say, just cause not to pass over the miscarriages of our Englishmen as a common calamity, incident, more or less, to all campaigns; but as an effect, in the first place, of God Almighty's anger against them, both for their past and present sins, and in particular that of the expedition itself: And, secondly, caused and perhaps intended, (I am sure it was their interest) by those who might (humanely speaking) in some measure have prevented it; which is no groundless suspicion, if you consider the same different treatment and fate of our English

forces in Holland, as I have already mentioned; and the same usage and condition of our seamen and soldiers aboard the fleet, dying of the same diseases, caused by the same neglect. I am sure every indifferent man must necessarily conclude, that if there was a design to ruin the strength of England, (and before I have done I shall bring yet stronger proofs that there was) a more compendious way could not have been thought of to effect it.

Yet all this hath made little impression, for we find this year a numerous army attends their king, and he hath taken several of the young nobility with him, and made better provision than formerly, both for his own safety and the preservation of his foreigners: Yet we know this expedition doth but aggravate their general's injustice; and we know that the plague is not yet staid, but is again beginning among the new recruits, the favourablest account mentioning the death of forty in a week at the hospital of Belfast, besides many more abroad; and their new physician, Dr Smith, and two of his apothecaries, are already dead, in three weeks after their landing. What may fall out after their encamping, may be conjectured, if not prognosticated, without consulting oracles.

It remains now, that, according to the method proposed at first, something may be said of our religion and government, the two things so much contended for, the pretended causes of all that has been done, and the real causes of all that has been suffered.

IV. *We will begin with Religion.*

In King James's time popery was the word that alarmed us all; nothing else was handled in our pulpits; even vices seemed to be allowed that liberty which was denied to this. Not a word against treason and rebellion; not a word for obedience and patience to be heard of: These were popish virtues and vices, state-subjects fit for old Elizabeth's homilies.

But I suppose all the world is now satisfied of which of these two there was really most danger. Indeed, unprejudiced and considering men did, even then, see how morally impossible it was that popery could ever be introduced here, since all the attempts in order to it had ever the quite contrary success, uniting the church of England more, and filling the public assemblies with many who would not have gone thither, but to shew their zeal and opposition to popery, by that distinctive sign. And though a greater liberty was granted to the papists, yet they made such an unskilful and ignorant use of it, that they who wished them worst, were yet contented to allow them more; for they lost more by that short-lived indulgence, than by all their former sufferings; it only served to discover their weakness, to draw them out of their lurking holes, to make them known to those that hated them, and to set them up as a mark for all the nation to shoot at. The dissenters, who seemed to join with their interest, were known to be the most averse to their religion, and would never have concurred to any act in their favour, but what should at the same time have tied up their hands, and made it impossible for them to have done the least wrong to others by it. In fine, they have proved a broken reed to the credulous papists, and left King James in the lurch, when he had the most need of them.

It was not then from the papists that the church of England was in danger; but, *Illic trepidaverunt ubi non erat timor*; out of an unnecessary solicitude to secure themselves, they put weapons into the hands of an irreconcileable enemy, whom they had a little before laid prostrate at their feet; I mean the presbyterian party: These indeed have helped them to drive out the papist, but they have got themselves into his place; they have drawn almost the whole body of dissenters into their party; they have arrogated to themselves the name of protestants, in distinction to the church of

England; they have all the Hugonots of France and Holland on their side, and have begun their thorough reformation in Scotland already, to be carried on and compleated in good time in England also.

These are like to make another kind of war than the papists could: These are men who have no rubs in their consciences, no oaths of supremacy to dispense with, no test to strain at, no penal laws to start at: They have, or hope to have, all plain and level, the same equal admission into court and parliament, camp and Westminster-hall, corporations, colleges, and cathedrals too, though at present they seem not to have so strong an interest in this parliament as in the last.

They have already gained one single victory over our poor churchmen, in making them renounce their allegiance, ten times sworn by most of them, to the lawful successors of the crown: They have suspended the best and greatest of our bishops; They have revenged the old indignity of their renouncing the solemn league and covenant, in 1663; and the ominous feast of St Peter's chain, in 88, hath quit scores for the English St Bartholomew.[1]

They have made them renounce their oath, "That it was not lawful to take up arms against the king, or any commissioned by him, upon any pretence whatsoever."

I know it is alledged by the champions of the new church of England, that King James kept not his promise in protecting that church which had asserted these principles, by his granting indulgence to dissenters.

But certainly, if it had not been for the artifice of the designers of this revolution, the security of the rights of our church, by calm debates in a parliamentary way, might as well have been consistent with a regulated toleration to all sorts of dissenters in King James's time as now; and whatever reproaches have been cast upon King James on this account, whatever uses have been made of it, either to draw his subjects to rebellion, or justify them in it, might be retorted with advantage (were it to any purpose) upon him, who had never got nor kept his throne, had he not made and broken more solemn promises.

For when the confederacy was entered into betwixt the pope, the house of Austria, and the United Provinces, against the King of France, no more was intended by them, but that the Prince of Orange should make a descent on some part of England, and thereby divert King James from assisting France: And to induce those catholick princes to consent thereto, the prince gave them assurance that he would effectually accomplish that liberty for Roman catholicks, which King James, being a professed papist, was not able to bring to pass: For the truth of this, I need bring no other proof but the emperor's expostulatory letter, and Count Mansfield's negociation; and what a famous sea-captain, who went as one of the convoys to the Queen of Spain, who hath told it to more than one, how the very religious he conversed with at his landing, expressed their great expectations from the Prince of Orange, of favour to their religion; telling him, "that if he had not come as he did to rescue them, King had exposed them all to ruin, by giving sectaries such liberty; but this king would establish them in full liberty. Indeed," the captain said, "he could not but smile to find such people so much imposed upon." And in the prince's declaration, there is expressed a promise of some kindness to them the while. Hence, when the judges in the first circuit desired to know his pleasure, how they should deal with catholick priests, he told them, "He was under an obligation to the catholick princes, not to molest them in the exercise of their religion; and that he was not so apprehensive of disturbance from them, (because few and weak) as from the professed members of the church

[1] Called by the non-conformists Black Bartholomew, when their ministers were ejected from their livings after the Reformation.

of England." Indeed, then he had some reason if they had stuck to the doctrine of it, taught by all the learned and eminent fathers of it in former ages.

Pursuant also to this, when he sent Colonel Hamilton into Ireland, one of his instructions was, to assure the Irish that if they would submit they should have the free exercise of their religion, and their ancient estates restored to them. And, lastly, he brought along with him more catholick soldiers than ever King James had in his army. Where was then the crime of this most injured prince, in endeavouring to do that which the usurper hath promised to do for him?

And that we may not think him popishly affected in all this, let us see if he be as graciously disposed to the church of England: What his promises were to them before he came, they best know who invited him in to protect our religion; but by all conjecture, and by the free confessions of those who were concerned, his word was given, and protestations made, to do quite other things. Therefore, upon his first coming to St James's, he vouchsafed to receive the sacrament, according to the rites of our church, from the hands of the Bishop of London, the Bishop of Bristol, and the Reverend Dr Burnet assisting; nay, the rubricks were so punctually observed, that all who did not communicate (that is, the whole congregation) were bid to depart; but this was that they might not see how far the new convert was to seek in his ceremonies, and how *mal adroitly* he performed them. But this, you may suppose, was for his test communion, according to the act of parliament, at his entering upon his new office, that he might not seem to favour the dispensing power, even towards his own conscience.

Nevertheless, that he might give a good example to dissenters, and let them see he had some regard to his promise to them also, and that he was no enemy to liberty of conscience, nor friend to ceremony, after he was made king, he was pleased to sit covered all the time of the sermon, betwixt his queen and the princess, without respect either to the ladies or the preacher; for as to the communion-table, I believe he had not read the rubrick.

For the same reason he also silenced the church-music, though he has been pleased upon second consideration to establish it again, and act the conformist.

Thus has he been off and on in England; but he has now, it seems, counted noses, and finds the church of England the major part; and has therefore promised an hearty compliance, and dissolved his first parliament, as a pledge of his future kindness; but let Scotland speak how far he may be believed in it.

The instructions given to his high commissioner, Duke Hamilton, at his first going down, are positive and plain: "You are (says he in the fourth instruction) to pass an act, establishing that church-government which is most agreeable to the inclination of the people, rescinding the act of the parliament in 1669, and all other acts inconsistent therewith." Truly the very spirit of our Reformation in 1642, *Vox Populi, Vox Dei*: The inclination of the people, it seems, is the word of God, and the standard of church-government; and accordingly came a dispatching instruction in July following, in this quickening expression: "You are to touch the act passed for abolishing episcopacy as soon as you can, and to rescind all acts inconsistent therewith." And, lastly, he hath re-established the presbyterian government there by act of parliament.[1]

That the same is not done in England yet, is because a party do not think it seasonable; there are great obligations to many of the clergy of England, which are not to be forgot. It cannot be forgot who affronted King James, and brought him to disesteem with his people; who invited him in, or so readily welcomed him, and petitioned him to accept of the government. They have made new liturgies, struck out old prayers and put in new, upon his single order; (a favour too great for King James.) They

[1] It is generally believed that King William would not have established presbytery in Scotland, if he had found any appearance that the bishops and episcopal clergy of that kingdom would have complied with his government.

have renounced the palladium of the English reformation, the regal supremacy, and retracted all their sermons and treatises of passive obedience and non-resistance.

Yet, notwithstanding these great and good services of so many of the canonical clergy, some steps have been made, and very large ones too, towards a Scotch reformation of them: 1. By settling an indulgence upon all dissenters. 2. By suspending and ejecting the chief and most zealous of our bishops, and others of the regular clergy. 3. By advancing, upon all vacancies of sees and dignities ecclesiastical, men of notorious presbyterian, or, which is worse, of Erastian principles. These are the insensible ways of undermining episcopacy; and when, to the seven notorious ones that are already, shall be added six more, upon the approaching deprivation, they will make a majority, and then we may expect the new model of the church to be perfected.

As for the diffusive body of the clergy,[1] they also proportionably warp, and grow every day more and more indifferent, by the means above-mentioned; and though they were never so well principled, yet the tender regard to the subsistence of wives and children will make them as willing to comply with an alteration in church-government as it did in the civil. However, it is sad to consider what reflections some have had, who, through fear of starving, or want of necessaries, have complied with the times. I tremble at the answer one gave a justice of peace at Gloucester, to whom, reproving him for not taking the oath sooner, he replied, "It was too soon then to damn himself to save his family." And another, with great sorrow and remorse, wished he had been starved, or hanged, or torn in pieces by the rabble, when he was persecuted by them, rather than have taken the oaths; whereby, he feared, he had lost the quiet and comfort of his mind. I will not relate the melancholy or madness some have fallen into upon this occasion; I pray God their repentance may be as great as their apostacy!

But if there be but some few of such who are touched with this remorse, in what a condition, at one time or other, must those be in, who, knowing their former oaths to King James to be lawful and just, and firmly believing, as well as solemnly declaring, that no power on earth can give a dispensation in this case, yet have, contrary to their consciences, taken the oath of allegiance to him who can properly (as the Bishop of St Asaph rightly in the house declared) have no other title but conquest and possession; surely the pretended election, by persons who had no power from the people to elect, make, and constitute a king, can give no right.

And I cannot, without astonishment, think what account those will have to give at the dreadful day, who, by imposing these oaths, have involved so vast a number of the subjects in as great perjury as ever was committed under the sun. The imposing the engagement, after the murder of King Charles the Martyr, was but a promise of being true and faithful to the commonwealth, as established without king and house of lords; but now an oath of allegiance is to be taken to one that hath not that title of conquest, as that commonwealth pretended, nor of succession till his father, brother, wife, sister, and all their progeny, are extinct: and the adding to this a new declaration, as was designed, of renouncing King James and his title; and neither directly, nor indirectly, aiding or assisting him, but discovering all things may be prejudicial to this government, was to gall, in the highest degree, the consciences of millions, who were content to yield obedience to a king in possession, but never can be induced to believe that King James can, by any act of violence, lose his right, and so cannot declare solemnly that they owe no allegiance to him.

Having seen then the instability of the clergy and laity, let us now enquire whether there be any more stability in the king they have set up to govern us. He himself seems very desultorious and unsteady in his conduct towards these two interests. A

[1] The non-juring clergy, who were originally numerous, began now to get over their scruples, partly induced by necessity, and partly by example.

fresh mark of which he has now given us in deserting the presbyterians, and making new offers to the church of England; but that is because his own interest is so. They that bid most shall have it; for, as the Bishop of Winchester said of him, "his religion is in his pocket." The commission before the late convocation bid fair for the one; the gracious speech to their address, before their adjourning, bid as fair for the other: What slipt from him on Twelfth-night must go for nothing, it was under the rose, *Odi memorem compotorem.*

He hath, if any ever had, two faces under one hood; and though he hath a double conscience, one for this, and another for the north side of Tweed, yet he hath but one principle, that gain is great godliness; and one Dutch soul, interest, to become all things to all men, to gain all to himself. Surely a dark lanthorn under a crown or mitre, is as dangerous as under a parliament-house.

But considering the tottering condition he is in at home and abroad, the miscarriages in Ireland, the untractableness of Scotland, the recalcitation of Holland, the biassing of his allies, and, lastly, the discontentedness and mutability of England; all he can do to linger out the possession of his ill-gotten prey, is to play well his old game of dissimulation, and to keep up these two great contrary interests in a dependence on himself, and in a fear and hatred of King James; for if either of them suppress the other, his business is done; we shall either return to our rightful monarch again, or sink to a commonwealth. So that in this case at least his kingdom differs from that of the devil, "that unless it be divided it cannot stand." It was division brought him in, it is division keeps him here, and he can rely on nothing else for the future, except that of the sinner in Mr Cowley, Predestination is his friend.

Now, whether all this be conformable to the promises he made to those who brought him in, let the impartial judge; let such also judge, whether King James or he are more guilty of breach of promise, and whether all manner of religion be not more in danger under such a person, who is really of none, than under one who is steady in some principles. And that such a man as this, in the very first act of his government, should dare to bring to pass those very things, the very repute of some of which, and the attempting others, ruined his predecessor; namely, that he should give indulgence to dissenters, fall foul upon the bishops, (even those very ones whom he put in his declaration as the cause of his coming,) grant an ecclesiastical commission against the liturgy, abolish episcopacy in Scotland, which King James never intended, and, lastly, keep a standing army of papists and foreigners, contrary to his promise in his declaration, and be still bringing in more to enslave us; I say that he should do all this and not a man say to him, What dost thou? Is not this the very slavery we have cried out against? Or rather, is it not a token that we are delivered up to a reprobate sense, and become the instruments and actors of those very violations which we so much abhorred, and so outrageously punished in others?

Having considered his veering with every seeming advantageous gale in matters of religion, let us consider his stability in his commands, and instructions to his servants and ministers; of which I shall give but two instances. When the conditions upon which the crown was to be conferred upon him were under debate, Mynheer Benting told some of those he judged most fit to transmit his master's mind to the leading members of his party, that if they intended to clog the crown with such limitations, they little understood the disposition of the prince, for he would never accept the government with such restrictions. If he might not have it with all the prerogatives that the kings of England had enjoyed, he would let King James loose upon them, to punish them for their ill usage of him. This he imparted to one from whom I had the account, and the gentleman was industrious to inform such as he judged fittest with this admonition; one of which, knowing the prince's temper, bid him be very careful, for he might be crushed by it, for if the prince found such a thing resented by any strong party

in the houses, he would deny any such direction. The gentleman told him it was impossible for him to gainsay it, for not only Benting had spoke to him, but to others; and my Lord Paget, and some other lords, had the like direction for application to the peers; yet, when it was seen that it could not be carried as desired, all this was denied, and it was charged upon the officious zeal of the persons, who, for his grandeur, and their own ends, contrived it.

A fresher instance we have in the matter of the abjuration, in which this king employed my Lords S. D. and others in the House of Lords, and Mr Wharton and others in the House of Commons, to promote it. But a noble marquis and count, informing him, that though the church of England-men readily yielded him obedience, and took an oath of allegiance unto him, yet he would find that they would almost unanimously refuse to abjure, as being of an higher nature than obedience, and a sort of determining providence, and all the effect he would find by it would be to create dissatisfaction, repining, and opposition to it, whereby he would lose an infinite number of hearts that he had now: and if the severity of imprisonment and fines were penalties to be inflicted upon the offenders, it would make them combine against him. This consideration made him forthwith employ others of his confidants to oppose it; which instability in his politicks, and his not backing those with his countenance and authority, whom he had put upon this ingrateful work, caused those persons to declare they would quit their places.

It is true he condescended much below the dignity of his character to court their keeping their stations; and hath been forced to confer 3000*l.* a year upon his admiral, to hire him to take a commission that for two or three days he had flung up. And we may easily conceive, that, if he finds it will be like to succeed better for his interest to pursue his first intention, those two great ministers of state who thwarted it may expect a removal by command. However, the layers-down of their commissions may well conclude, that when he comes victorious from Ireland, he will severely remember the undutifulness of such who put him to a cap, and "pray you, my lord, do not leave my service:" For, to say the truth, they have dealt so with their sovereign, as they would not permit their secretaries, stewards, masters of their horse, or any other of their servants to have dealt with themselves.

But these blessed qualifications of our new king, and the pharisaical politicks against our allegiance, under pretence of our religion, will more manifestly be seen now we come to consider,

V. *What sort of government we have chosen to live under, in exchange for that we have shaken off.*

And this will appear by enquiry what that government was, what this is, and, if nothing interpose, what it will be, and that very speedily.

It is not my design here to descend to all the particular transactions of government under King James, either to justify them, or set them off by comparison with the present, or probable future, since no human government was ever, or will be capable of such a design. The faults and errors with which his enemies reproach him, are the ordinary subject of history, in the reigns of all his predecessors, and of all other kings and courts in Christendom. For what is more obvious than examples of men of great abilities and merits laid aside, and men unqualified and odious to the publick put in their places? What more common than buying and selling of places, giving mandates, and making intrenchments upon corporations and colleges? What more usual in our histories than the disgracing, suspending, and imprisoning bishops and clergymen? These, I say, are common-places of all history, though not always found attended with

such dire effects upon the princes, who perhaps were, or at least were said to be, the authors of them.

But my intention is only to assert in general the innocence of him who has not so escaped, though owned by his very enemies to have had a true English spirit and tender affection to all his subjects; a zeal and delight in advancing their peace and plenty at home, and honour abroad; to have been an excellent, good-natured, generous prince, the most constant friend, the best father and master in the world, and the most merciful to his enemies.

All these qualities, I say, and the effects of them, were experienced by the whole nation in general, and by those in particular who had the honour and happiness of belonging to, or depending on him, in their several relations, and need no other proof than the black and foul ingratitude that sticks upon those who have, in the sight of God and man, rendered him evil, the worst of evils, for all the good they held and enjoyed from him alone. Let us consider them apart, and begin with the nearest to him.

King Lear and his daughters is perhaps but a fable, and Tullia's father was but a slave by birth, and an intruder into the royal family, but the paternal love of King James towards his daughters is as true as it is unparalleled; his care in their education, marriages, and provisions for them, are demonstrations of it.[1] The honours conferred by him upon their mother's house, and their proximity to the throne, deserved some returns of gratitude; but how they have been made, and what was expected from obligation and filial duty, the world now seeth and judgeth. I need say no more; let nature speak the rest in all who read this.

What the royal father suffers from this ungrateful Tullia astonisheth even barbarous nations, and scandaliseth Christianity; and yet not one act of love, of pity, of remorse, or shame, to be returned! All to be trampled upon, and the royal author of them exposed, knowingly and avowedly, to the greatest indignities of pens and tongues, all over the nation. I need not here mention the many scurrilous pamphlets which have been published, licensed, and entered according to order; the odious ballads that have been printed and sung about the streets, nor the abominable secret history of King Charles and King James II., so full of notorious lies, false inferences, and malice, that no government certainly but this would have connived at it, or let it pass without condemning it to be burnt by the public hangman.

The street where Tullia drove her beasts over the face of her dead father, was called Scelerata, the unnatural or impious street, to all posterity. What street is there in all the cities of England where the like impieties have not been acted by her connivance, not to say authority, to grace her unnatural triumph?

Great enquiries were made after him who cut the prince's picture in Guildhall, and a reward proposed for them who could discover the author, as one that would have committed the like indignity on the prince's person if he had had him in his power; but was there the least check to a Killigrew, Hayford, and their companions, for their rage against a father's statue which they dragged about the streets of Newcastle? Was there a word said to the inhabitants of Gloucester, who, when they had pulled down and broken every limb of his statue, carried the head in a barrow, and cast it into a jakes, and wheeled the trunk into the river Severn, and disposed of other parts, and the supporters, with the arms of the four kingdoms, with contempt, at their pleasure? Was there any notice taken of those who committed his picture to the flames in almost every city of the kingdom? If they who connive at crimes are justly censured to ap-

[1] A poem written by Mr Mainwaring, and ascribed to Dryden, brings out this odious comparison, under the title of Tarquin and Tullia. See also the Letter on the Coronation, a preceding Tract.

prove them, what is all this silence but an approbation of all the unnatural impieties which these actors would have done to the person represented?

But let us pass to the next instance of his paternal merit, made out by the like return of duty in the younger sister. Did there a day pass without some new expressions of love and kindness to her, and not only in visits, and those doubled, and in the night too, upon her least indisposition, but also in supplying all her profuse expences upon the least intimation, notwithstanding his frugality towards himself, and the great charge he was at for the public? Nay, when her husband deserted him, and she, on the other side, went northward to countenance the rising of the confederate lords, a person of honour can tell what words fell from the king for the danger his dear child, so he called her, exposed her health to; and if she should miscarry by such a journey, he should be troubled as long as he lived. Was this a father to be cast off and abdicated, even with their natural right to the crown in their order? Was it a more honourable and happy state to become the orphan of the people, as some in the house stiled her?

As to his being a good master, I know not which sort of grateful servants to begin with. The Bishop of London, from a cornet of horse; the Bishop of Winchester from a captainship, the first apostatising to his jack-boots again;[1] and, for the second, I desire him to remember the parting words of his kind master,—"My lord, I foresee you will have cause to repent your proceedings towards me, as I do of mine towards you."[2] Words, one would think, might pierce an harder heart than that of such an old cavalier. What should I say of the Archbishop of York, rewarded so highly for one single act of duty, since he repented so soon of that short-lived merit?[3]

Next, for the constancy of his favours, and even friendship, where once conferred, it is notorious that it was his undoing; this made him deaf to all the suggestions against the contrivance of his son-in-law, to all that was offered to be proved against those of his privy-counsellors, who now, in the same posture, reap the fruits of their treachery and ingratitude to him; and this made him lay aside some who might have been otherwise extremely useful to him, and take all the late measures which exasperated the church of England, and were suggested by those who were trusted by him, with a design to ruin him.

I shall not sum up many instances, but content myself with one, which I think is scarce to be paralleled in history, the conscientious and religious Lord Churchill.[4] See his Letter, and his Farewell-Kiss, sent therein to his betrayed master: Let that speak aloud what he owed, and what he paid. But as to his pretence of religion and conscience, give me leave to make out that a little for his lordship's sake.

He is a Judas on both sides. I need not mention the promise he had made to betray his master who created him, if that term be proper for such as are raised out of nothing, and to deliver him up, alive or dead, nor the plot he had laid to effect his treachery, under pretence of kindness; they are too well known to need my relation. But you would be perhaps astonished, if you knew not his temper, should I tell you he has, not many months since, made application to be reconciled to his old master, and yet about the same time informed he knew one that said there were an hundred members in the House of Commons well-wishers to King James.

[1] Henry Compton, Bishop of London, who had served Charles I. during the civil wars, resumed arms at the Revolution to escort the Princess Anne to Northampton, and there was prevailed upon (too easily, says Burnet) to accept the command of a small army of volunteers raised for her defence.

[2] Peter Mews, translated from Bath and Wells. He was a man of some military talent, and distinguished himself by his courage and conduct at the battle of Sedgemore.

[3] In the moment of terror which attended the Revolution, James promoted Lamplugh, Bishop of Exeter, to the metropolitan see of York, which had long been kept vacant. The act of duty alluded to was the bishop's flight from Exeter on approach of the Prince of Orange's army.

[4] More widely and more honourably known as Duke of Marlborough.

He had a seeming zeal to get the princess 70,000*l.* per annum, and yet the methods are known by which, at the same time, he obstructed it. I have already shewn his conscientious cheating his soldiers in the Low-Countries, to which I may add, that he had an allowance for a table for his officers, yet he kept none; that he excelled in the giving false muster-rolls, even twenty in one troop, and thirty-six in another; putting in names, some killed in Monmouth's rebellion, others dead in England since, and alive at this day, out of all service; the lists of which have been shewn to me. Now, is there any thing of conscienee in this man's conduct, from one end to the other? Is there any thing but mere Judas and damnation? The first corrupted favourite of his royal master, the first that went over, and the man who advised the prince at Windsor to secure the king in the Tower of London, and bring him to justice, or to send him prisoner to some place in the Low-Countries, there to be dealt with as occasion served.

I have not patienee, after this wretch, to mention any other; all are innocent comparatively to him, even Kirk himself: Neither will I insist upon the rest, though most deservedly rewarded; such as the Duke of Ormond, so kindly received by his royal master when he made him a friendly offer of his service, graced with his grandfather's garter, and succession in the chancellorship of Oxford, at the very time he was plotting against him. And what has he got by his desertion? To be captain of a troop of guards, and his colonel, the son of a Coventry cutler, to take place of him. The Duke of Grafton[1] divested of all his commands, notwithstanding his Dutch alliances, and reduced to an arbitrary pension, *quamdiu se bene gesserit.*

But that which ought to fill all men of honour, or even common sense, with indignation, is, that this most abused, most injured prince, has brought all these miseries upon himself by his clemency and goodness to his enemies. The famous Mr Pryn ingenuously confessed to a friend of mine, that if he had been sentenced in King Charles the First's time to have lost his head instead of his ears, it had been well for the kingdom; and, I may say, if King James's sceptre had been made of iron, and laid more heavy on some incorrigible subjects, we had not been now enslaved by the destroyers of his father, by the conspirators against his brother, the associates of Monmouth and Argyle; neither he nor we had been plagued with Hamdens, and Speaks, and Kings of Hearts,[2] and the rest, who made no other use of his mild government but to ruin it. So that this clemency hath been his only fault, and they have punished him for it, and given him cause at leisure to repent, and do penance for that God-like virtue, in the regretful words of murdered Cæsar, "*Mene hos servâsse, ut essent qui me perderent?*" But he who has reaped the fruits of their treasons, has begun to punish them, and will, no doubt, make them suffer all those, and worse calamities, which their lying spirit hypocritically foreboded from his mild and innocent predecessor.

For, let us, in the second place, take a view of his way of governing at this present, and then judge if we have not brought upon ourselves scorpions instead of whips, and laid more weight on the nation by the touch of this little finger of a monarch, than his father did by his whole body.

After he had brought upon the nation all the calamities above specified, (which perhaps were not to be avoided in such a change) has he ever given the least sign of pity or concern for our sufferings? Could we be worse used had he conquered us in battle?

[1] Son of Charles I. He was killed at the siege of Limerick.

[2] This alludes to a whig nobleman, who "came to that pitch as to tell his majesty almost in plain terms that he had never been king but for him, and that he did not think himself suitably rewarded, though he possessed at that time about three thousand pounds per annum in places, and had so sensible an influence, and became so popular by the king's favour, as to have the court of the mob made to him, and to obtain the name of King of Hearts. He then asked his lordship if he did not remember how, upon the continued importunity of the said King of Hearts, his majesty became so uneasy that he told him one day he would be glad that lord would put all his demands into one head, that he might see if the whole kingdom would satisfy him."—Ralph, II. 311.

Of all the nobility who either ran unto him, or now fawn on him, whom doth he trust? What employment have they unless to discharge the odious part of his government on their fellow-subjects? We see who are removed from the treasury, even the forwardest in his service; from his fleet an admiral; some laying down the greatest places, others like to follow; and those who now lead the van of his favourites, have but little assurance that he will not discard them when they have done his drudgery. The important and essential consults and resolutions are all managed by a few foreigners, in a secret cabal of Dutchmen; of whom, that he might form a standing council, no less than five ambassadors came over from Holland at once, whereas those states never sent above two to any crowned head in Christendom; with these, and Benting, and some of the confederate lords who were with him in Holland, (though these last very rarely) he concerted the scheme and model of his government.

The principal resolution taken was, that, for fear of the worst, seeing the humour of the English is so giddy and changeable, they should be impoverished in their estates and trade, and weakened in their forces by land and sea; so that, let the success of affairs be what it would, we should not be able to do any thing for one hundred years but in conjunction with the Dutch. I dare appeal to the consciences of them if this be not true; and though they dare not own it here, yet the very conduct of affairs, and the account I have given you in the first three particulars, does loudly speak it.

For what has there been done to continue, much less to advance, the thriving state of the kingdom he found it in? Our ammunition, military and naval stores spent; but in what service? What execution has been done with them, or what care to lay in more? The despising and destroying of our seamen and soldiers I have shewn before; the embezzling and exportation of our gold and silver in specie, is not yet so publicly, at least so particularly manifested; but, by the accounts given, and the incomes of five millions he hath received since he came to Whitehall, it is demonstrable that he hath lodged somewhere vast sums for his future use.

These are but private instances of his destructive government, namely, the gutting of the nation, and making the kingdom vacant, as he did the throne. Come we now to the positive part, what he has given us in the stead, and thereby we shall see what his government is like to be, being the last act of our tragedy, viz. absolute and arbitrary, without regard to ancient laws or modern ones, even of his own enacting.

This, as horrid as it seems, will appear, I think, demonstrative, from these following proofs.[1]

I. The bringing in of eight thousand Danes already, and we know not how many more of them, or other foreign nations: It is well known, there comes over every week in parties, great numbers of strangers, with their wives and children, who have subsistence money allowed them, till they can be formed into companies; of those, Ludlow[2] was to have had a regiment, as his nephew has acknowledged; and though

[1] The introduction of foreign troops was a subject of complaint in parliament:—"Sir Thomas Clarges represented to the commons that it was dangerous to bring so many foreign troops into the kingdom, and that it was both safer and more expeditious to employ Englishmen in the reduction of Ireland. He supported his opinion by the example of Cromwell, whose English troops not only had a natural antipathy against the Irish, but likewise a constant ascendant over them; but somebody very justly replied, that Cromwell's army consisted of well-trained weather-beaten soldiers, whereas the present English forces were made up of raw, undisciplined men. Sir Thomas Clarges made this motion upon a false report, that, besides the seven thousand Danes, the king had sent for eight thousand more either from Hanover or Sweden."—*Life of King William, II.* 164.

The Danes came as auxiliaries under the Duke of Wirtemberg, and assisted at the siege of Limerick and during the Irish campaigns.

[2] Ludlow the regicide came to England in hope of pardon and employment at the Revolution. But the Tories, who had so great a share in that event, instantly took fire, and upon their remonstrance a proclamation was sent out for apprehending him, which had the desired effect of compelling him to retire to Holland.

his uncle was sent packing by a sham proclamation, yet he is not gone for Geneva, but is still within call, nay perhaps within the reach of a whisper.

II. The quartering of these foreigners in our most considerable places of strength, both on the sea-coast and within the land: For can we imagine it was only the chance of a tempest, and not a design forelaid, that brought the Danes so directly to Hull, Bridlington, Scarborough, Tinmouth, and Leith; so that they have at once got a full inspection into all the ports north of the Humber, as the Dutch have done on the south in both seas: To which we may add, the long continuance of them in the country, traversing, and quartering in all the great towns in the north, and gentlemen's and farmers' houses, contrary to the express laws, before they were dispatched into Ireland; not only that they might harass them, but be thoroughly acquainted with the situation, roads, and nature of the inhabitants, which are matters of the greatest importance to advance any foreign interest; and we know the Dutch are spread like locusts over the whole kingdom, and seem to be the last designed for Ireland.

III. The putting the highest offices of trust and importance into the hands of his own mercenary foreigners, who have no other interest or being but what depends on his fortune, like so many bashaws, or beglerbegs, upon the Grand Seignior; such as Schomberg, and Huson, Benting, Solmes, &c. All these and their janisaries, are pretended for the reduction of Ireland, and subduing of Scotland; but their last service and reward will be the enslaving of England, as was experienced by us in the Cromwellian army, after the like success in those countries. But we are not permitted to stay so long, for we see we are in a great degree enslaved already, by the numbers of foreign troops we have at present; and it is because of the awe of those, as it was of Cromwell's army, that our parliaments dare deny no money, nor the making of any laws which are for the security of the government.

Now these foreigners being made up of so many different sects of papists, Lutherans, Calvinists, &c. how can they be continued in his service, unless he first becomes so absolute, as to resume a dispensing power over the sacrament test, and other legal impediments, which may seem to check these successful strangers in the performance of what they come for?

But, alas! What do I speak of legal, or dispensing! Will there be any regard to the one, or need for the other, in such an inundation of armed foreigners? Do we think they have such awful notions of doing things in a parliamentary way as we have; and will take no money but what the House of Commons will give them? Colonel Mynheer will have more authority than all my lords joined together. Doubtless, we shall find them equally the conservators of our properties, and of our religion, such as the Normans were to the Saxons, and the Saxons in their turns had been to the Britons: The first under the Conqueror, of this man's fatal name, had but one landing-place, and made all England his own; the other under Hengist and Horsa, with but the sixth part of the number of our present invaders, having got possession of the isle of Thanet, yet, by little and little, brought over so many from the same shore from whence our new recruits are coming, that they entirely ruined the British monarchy. About 250 years after, they themselves, in a great measure, suffered the same treatment from the lordly ancestors of our new Danish guests. They have in our histories left a fair example for their posterity to follow, in the Danegelt, and other brutish tyrannies: But let their nephews have a care of St Clement's bowl.

In sober sadness, the very remembrance of these bold invaders ought to rouse us a little out of our present lethargy, to stand upon our guard against the new ones. They ought to open our eyes, and make us jealous of all these delusive pretences of liberty and religion, which have driven us upon the brink of slavery and atheism.

It must be the wonder of all succeeding ages, that the pretended fear of an inconsiderable number of papists in England, should scare us thus out of our senses, understanding, and knowledge of our interest, to change our blessed peace for war and ravage, the well-balanced monarchy, under an indisputable lawful king, for Mynheer Benting, who upon the matter now rules over us.

It is the wonder of all judicious persons, that when we find our ancestors have been so jealous of the admission of any foreigners into the kingdom, (and we cannot forget how vehemently the parliament in 1648, represented the very attempt of Charles I. of hiring but 1000 German horse) that neither the last parliament nor this should once enquire into the danger of above 30,000 foreigners brought in, nor consider that this very thing would perpetuate a war in the bowels of these three kingdoms, and will necessitate an arbitrary, oppressive government, as long as they have footing here.

But to return. We have a fresh instance of his arbitrariness; 1. In the prorogation of the late convention, which, though it assumed a power to make a king, and create itself a parliament, yet could not support its being one day against his arbitrary resolution. But, 2. And more especially in the dissolution of it. In the first, he shewed how little he valued that great council, farther than their giving him money; and in the second, he shewed the disesteem he had of his privy-council, though chosen out of the wisest, as he judged, and most obliged to his interest, that the nation could afford. For on Thursday night, the 6th of February last, he very bluntly and magisterially told them, that he had determined to dissolve the parliament, and ordered Mr Attorney General to read the draught of the proclamation for that purpose. When those words were read, "By and with the advice of our privy council," a certain lord, seconded by some others, told the attorney general, that they had never heard the matter proposed before that instant. But their sovereign bid him read on; and when some again began to have the matter debated, he told them he was resolved upon it, and so something abruptly left them, like cyphers, to look upon one another, and signify just nothing. So true it is, that he hath a Dutch junto of his own, with whose politicks, unless our statesmen hit, their advice shall be little regarded.

It is to be presumed he will not treat this parliament better, as soon as he has got all the money they will afford him, and have perfected such bills as will secure his government. And it may be, there is not a greater instance of arbitrariness in any king's reign, than he hath shewn in his very pardon, to single out some sitting peers who have conformed to his government, sworn allegiance to him, and have been neither impeached by the commons, nor proceeded against by due course of law for any crimes; some of whom are guilty of nothing, but in acting in commission with others whom he hath pardoned; and one chargeable with nothing, but the sending King James's declaration into his diocese, which the most aged prelate on that bench, and others, had done with much more earnestness; hereby, as much as in him lies, exposing them to the rabble, and impressing a brand of infamy upon them; a thing exceeding the demanding the five members by King Charles I. who did it not till the house had voted their protection, when he had exhibited articles of high treason against them. If he does these things in the very infancy of his power, against those who set him up, what may we expect from him, should his reign continue? And since the nation has suffered so much in 18 months, we have reason sure to wish they may not be multiplied upon us.

I am confounded, I must confess, with horror, to look only back upon the miseries we have hitherto felt; but when I consider that Pandora's box is but just opened, and view a long train of war, famine, want, blood, and confusion, entailed upon us and our posterity, as long as this man, or any descended from him, shall possess the throne, and see what a gap is opened for every ambitious person who can cajole the

people to usurp it: These considerations, I say, chill my blood in my veins, and I cannot but lament my poor country's misfortunes with deepest sighs and groans.

It is to be hoped I am not alone, but that the eyes of all seeing men are opened by the smart of what they feel; and I appeal to their consciences, to judge which is most reasonable, or is likely to be most beneficial to us; to keep up a government built upon the most destructive principles to the peace and tranquillity of the nation, that ever was contrived by the most pernicious Machiavels in the world, viz. the original contract with the people; a government raised by parricide and usurpation, entered into by violation of his own declaration, supported by the overthrow of all our laws sacred and civil, and the perjury of the nation; a government under which we have suffered all hitherto related, to set up the Dutch, our rivals, upon our ruin, and from which we have gained nothing of what we aimed at, either as to the establishment of our religion or our property; but, on the contrary, greater animosities and confusion; a government which drives furiously on arbitrary principles, and cannot long subsist without breaking into that tyranny we suffered under the Rump and Cromwell. In a word, it has brought along with it all the plagues we dreaded under others, and gives us nothing but the dismal prospect of all the misfortunes which can befal a nation, which hath greatly provoked God Almighty's anger.

I appeal, I say, to all true Englishmen's judgments, of what persuasion soever in religion, whether it will be more to our interest in this world and the next, to support this government, or to return to our known duty, and call back our lawful king, who has shewn himself, upon all occasions, a lover of his people, an encourager of trade, a desirer of true liberty to tender consciences, an hater of all injustice, and a true father to his country.

He alone can restore us to our former tranquillity and peace, and is studying how to do it. He alone can heal all our breaches and unite our dissentions; and for his endeavours in this he suffers. He alone can restore us to our flourishing trade, and our enemies know and fear it. He alone can prevent all impending miseries, and make us happy, if we will ourselves; and the recalling him is the only means left us to effect it.

If we recall him not, it is morally certain he will be restored by another hand: For God will not let such wickedness go unpunished. But I dare pawn my soul he is more desirous to return by the good-will of his people, than our present master is ambitious to govern by the power of strangers. And we may be well assured, that by our king's return, lasting peace, with all the advantages of it, will more especially be restored in one month, than all the power and contrivance of this government can do in 28 years, if for the scourge to these nations God Almighty permit him and his foreigners to rule over us so long.

Second Letter to a Friend, concerning the French Invasion: In which, the Declaration lately dispersed, under the Title of his Majesty's most gracious Declaration to all his loving Subjects, commanding their Assistance against the Prince of Orange and his Adherents, is entirely and exactly published, according to the dispersed Copies; with some short Observations upon it. By Dr Sherlock, Dean of St Paul's, and Master of the Temple. 1692.

In the beginning of 1692, Lord Middleton went over into France. "It was believed," says Bishop Burnet, "he was sent by a great body among us with a proposition which, if his lordship had had the assurance to make, and the king wisdom to embrace, would have greatly increased our factions and jealousies; namely, for King James to resign his title in favour of his son, and likewise to send him to be bred in England under the direction of a parliament, till he should be of age." The bishop could never hear that the earl endeavoured to communicate this project; and all the apparent effect of his mission was to obtain a new declaration in a quite different strain from the former; for whereas that was in the strain of a conqueror, this promised every thing, pardoned every body, and, as far as words could go, gave content to all. "His party," adds Burnet, "got this into their hands: I saw a copy of it, and they waited for a fit occasion to publish it to the nation." Accordingly it was printed and dispersed in the month of May following, and Dr Sherlock, now a zealous revolutionist, lost no time in bringing an antidote to the poison it conveyed.

Sir,

Having, in the conclusion of my letter, promised you, if you desired it, to give you an account of the late King James's Declaration, I will make no excuses, but, like a sincere protestant, will keep my word with you.

This Declaration has been industriously scattered about both in French and English, by the enemies of the present government. Now, to save them any farther trouble of this kind, and that the world may see we dare venture it, with all the charms that are by some thought to be in it, among the people of England, I have thought it the fairest way to print the whole, *verbatim*, paragraph by paragraph, with some short observations upon it; and only desire you to remember, that my principal design in it is only to strengthen the arguments of my former letter, and to make it appear, from this very Declaration, how little reason English protestants have to promise themselves, that the late king will be kinder to them than he was before, should he now return with a French power.

Declaration.

"Whereas the Most Christian King, in pursuance of the many obliging promises he has made us, of giving us his effectual assistance for the recovering of our kingdoms, as soon as the condition of his affairs would permit, has put us in a way of endeavouring it at this time; and in order to it, has lent us so many of his troops, as may be

abundantly sufficient to untie the hands of our subjects, and make it safe for them to return to their duty, and repair to our standard; and has notwithstanding for the present, according to our desire (unless there should appear further necessity for it) purposely declined sending over forces so numerous, as might raise any jealousy in the minds of our good subjects, of his intending to take the work wholly out of their hands, or deprive any true Englishman of the part he may hope to have in so glorious an action, as is that of restoring his lawful king, and his antient government; (all which foreign troops, as soon as we shall be fully settled in the quiet and peaceable possession of our kingdoms, we do hereby promise to send back, and in the mean time to keep them in such exact order and discipline, that none of our subjects shall receive the least injury in their persons or possessions, by any soldier or officer whatsoever.) Though an affair of this nature speaks for itself, nor do we think ourselves at all obliged to say any thing more upon this occasion, than that we come to assert our just rights, and to deliver our people from the oppression they lie under; yet, when we consider how miserably many of our subjects were cheated into the late Revolution by the art of ill men, and particularly by the Prince of Orange's declaration, which was taken upon trust, and easily believed then, but since appears notoriously false in all the parts of it; consisting no less of assertions that have been evidently disproved, than of promises that were never intended to be performed. To prevent the like delusions for the time to come, and to do as much as lies in our power to open the eyes of all our subjects, we are willing to lay the whole matter before them in as plain and short a manner as is possible, that they may not again pretend mistakes, or have ignorance to plead for any false steps they shall hereafter make towards the ruin of their own, and their country's happiness."—

Observations.

It begins with a thing very surprising and memorable, that the French king hath once in his life made good his word, and kept his faith; for so the late King James tells us he hath done with him, "in pursuance of the many obliging promises he had made him, of giving him effectual assistance for the recovery of his kingdoms," &c. "Effectual assistance" is a big word, and more than the "greatest" and "most puissant king" is able always to make good: however, I am glad to see they begin to endeavour to perform their promises to one another; it is a good quality, and it is to be hoped they may in time extend it further. But this satisfies me, that the French king thinks it his interest to restore the late King James; for he was never known to keep his promise against his own interest; and it is somewhat surprising, that the French king and English protestants should have "the same interest."

He seems sensible that French troops would not be very welcome in England; and therefore to qualify this matter, he says, "that the French king, at his desire, has purposely declined sending over forces so numerous as might raise any jealousy of a French conquest," (for that is the plain English of it;) that they shall be kept under "exact discipline" while they are here, and that he will send them home again when "he is fully settled in the quiet and peaceable possession of his kingdoms." But I thank God, with all my heart, that there is no danger now of these French troops coming into England; which is a much greater security to us than both these kings' promises for their good behaviour here, or for their return home again. It is certain that one of them could not keep his word if he would; and it is as certain that the other would not, as it is that it would not be his interest to do it; for there is not the same reason for the French king to keep his promise of sending troops into England, and to keep his promise of sending no more than the late King James wants, or of calling them home again when

he wants them no longer. But before I proceed to more particular observations, it will not be amiss (and the conclusion of this paragraph requires it) briefly to consider what is not in the Declaration, which the people of England had all the reason in the world to have expected in it.

Now I can find but very little in it, I might with great truth say, nothing, which a reasonable man, who remembers the late reign, especially the conclusion of it, would have expected in such a Declaration.

If the design of such a Declaration be to give satisfaction to the minds of his subjects, it ought at least to have contained as good words, and fair promises, as a prince could give. He knew very well what it was that had alienated his subjects from him; that they apprehended their laws, their religion, and their liberties to be in great danger; and could not but know, that he had given them too just occasion for such jealousies and fears; and it is wonderful that he should think of publishing a Declaration, and not think fit to give the least satisfaction about these matters; not to say one word about popery and arbitrary power, nor to give any express promise that he would remove these fears.

The only thing he appeals to, is the justice of his cause; and does not think himself "obliged to say any thing more upon this occasion, than that he comes to assert his own just rights," &c. But this was not the controversy between him and his people; they did not dispute then his right to the crown, (though they have some reason to do it now) and yet were willing to part with him, when he thought fit to leave them; and if he knew what made them so, and hoped to return again by their assistance, and with their good-liking, any one but those of his own council would have thought him obliged to say something of it.

The Prince of Orange's Declaration put him in mind of this, which he says "cheated his subjects into the late Revolution;" and it had been much more to the purpose, to have discovered the cheat of that Declaration, or to have said nothing of it, than to affirm, without any proof, that now "it appears to be notoriously false in all the parts of it;" for English protestants know nothing to this day, but that it is all true still. Were there not in the late reign open and bold attempts made against the laws, the liberties, and the religion of these kingdoms? Was not the dispensing power set on foot for those purposes? Were not the judges tampered with, to obtain a sentence in favour of the dispensing power, and placed and displaced, till they could find fit tools for that work; men who would sacrifice the laws and religion of their country to the will of their prince, or to their own covetousness and ambition? Were not the oaths of allegiance and supremacy, and the test, dispensed with upon this pretence, and men unqualified by law put into ecclesiastical, civil, and military preferments, to the apparent danger both of church and state? Was there no ecclesiastical commission set up, no popish chapels, monasteries, and convents erected and endowed contrary to law? Were not the nobility and gentry closetted and examined about the repeal of the test, and those disgraced and turned out of all offices and employments who would not comply? Were not the bishops sent to the Tower, and tried in Westminster-hall, for their humble petition to him against reading the Declaration? Was not the administration of justice, and the greatest military trusts, put into the hands of papists? Were not the charters of cities, towns, and corporations seized into the king's hands, and so new-modelled, that the king might chuse what burgesses he pleased, and have a House of Commons of his own creatures? Were there not visible grounds of suspicion concerning the birth of the pretended Prince of Wales? And has there been sufficient satisfaction given the nation about it to this day? These are the grievances complained of in the prince's Declaration, which were believed then, not upon the authority of the Declaration, but because they were seen and felt; and are believed still, because they are still remembered by those who saw and felt them; and how they have since been evi-

dently disproved, I cannot guess. But if such things as these are not thought fit to be owned as mistakes in government; if it was not thought fit to promise the redress of any one of them, no not in his Declaration, whereby he commands and invites his subjects to assist him in recovering his kingdoms, I can easily guess, that they will not be thought faults, much less be redressed, if he should return: They must be his very loving subjects indeed, that can be thus imposed upon.

Declaration.

"And therefore, to take the matter from the beginning, it cannot be forgotten, that as soon as we had certain notice of the Prince of Orange's unnatural design of invading our kingdoms, with the whole power of the United Provinces, we first took the best care we could to provide for our defence; which we seemed effectually to have done, when we had put our fleet and army into such a condition, that though his most Christian majesty, who well saw the bottom of the design against us, against himself, and indeed against the peace of Europe, offered us considerable succours both by land and sea; we did not think it at all necessary to accept them, at that time, as resolving to cast ourselves wholly, (next to the divine protection,) upon the courage and fidelity of our English army, which had been with so much care and tenderness formed and obliged by us. And having thus prepared to oppose force to force, we did, in the next place, apply ourselves to give all reasonable satisfaction to the minds of our good subjects, by endeavouring to undeceive them, and to let them see betimes, and whilst the mischief might easily have been prevented, how fatal a ruin they must bring upon their country, if they suffered themselves to be seduced by the vain pretences of the Prince of Orange's invasion; however, so great was the infatuation of that time, that we were not believed till it was too late. But when he was obliged to throw off the mask by degrees, and that it began to appear plainly that it was not the reformation of the government, (which yet was a matter that did not at all belong to him to meddle with,) but the subversion of it, that he aimed at, that so he might build his own ambitious designs upon the ruins of the English nation: And when the poison had insinuated itself into the vital parts of the kingdom; when it had spread over our whole army, and so far got into our court and family, as not only to corrupt some of our servants, that were nearest our person, and had been most highly obliged by us, but not even to leave our own children at that time uninfected; when our army daily deserted on the one hand, and on the other hand tumults and disorders increased in all parts of the kingdom; and especially, when shortly after the Revolution came on so fast, that we found ourselves wholly in our enemies power, being at first confined by them in our own palace, and afterwards rudely forced out of it under a guard of foreigners; we could not then but be admonished, by the fate of some of our predecessors in the like circumstances, of the danger we were in, and that it was high time to provide for the security of our person, (which was happily effected, by our getting from the guard that was set upon us at Rochester, and our arrival in France, the only part in Europe to which we could retire with safety,) that so we might preserve ourselves for better times, and for a more happy opportunity; such as is that which, by the blessing of God, is at present put into our hands."

Observations.

To begin with the certain notice of the Prince of Orange's design, is not to take the matter from the beginning. Had he intended to give any satisfaction to English

subjects, he should have begun where their complaints and grievances, occasioned by his arbitrary and illegal government, began; that is, where the prince's design, and his own abdication began. That he took the best care he could for his own defence, no man questions; and had he taken less, it would not have been taken ill by the nation. That his Christian majesty saw this design was against himself, long before the late king was sensible of it, appears from the Memorial printed at the Hague, September 9, 1688, by Monsieur le Conte d'Avaux, the French king's ambassador: But when he says it was against the peace of Europe, I confess I know not how to understand it, unless, by the peace of Europe his most Christian majesty means an universal desolation, which he was making as fast as he could. For this cannot be denied to be a most certain and effectual way of settling a country in peace, to lay it waste, and to destroy and drive out the inhabitants; to prevent which indeed was the bottom of this design; and the most effectual way to do it was to divide England from the interest of France.

That the French king, to prevent this, did offer King James the assistance of his forces, is very probable from the same Memorial, which threatens the Dutch with it; and how this assistance came to be refused, we learn from my Lord Sunderland's letter, printed in the History of the Desertion; which, and some other counsels, (that thwarted the popish designs) cost him his religion, and soon after the favour of his prince, and his preferments at court.

That he had no such great confidence in the fidelity of his English army, was too evident, in the daily reformations he made in it; exchanging protestants for papists, and Englishmen for Irish, which occasioned that memorable accident at Portsmouth, which gave such a general disgust to the army, in a very lucky season, as greatly disposed them either to go over to the prince, or at least not to fight against him.

That he did many things in the time of his distress to sweeten his subjects is true; but he was much mistaken if he thought this sufficient to give reasonable satisfaction. He undid many things which he had illegally done; but he did this so late, and it was so apparently a matter of force, owing to the change of his fortune, not of his inclinations; and then too done with so ill a grace, that I could observe nobody that was then satisfied with it.

He restored the charter of London, and of other cities and corporations; he dissolved the ecclesiastical commission, restored Magdalen College, but never owned the illegality of these proceedings; would never renounce his dispensing power, would never be persuaded by the most humble petitions, and earnest importunities of his lords and bishops, to call a free parliament, and to refer the redress of all grievances to them, till he seems to have formed a design of leaving England; and then his issuing out of writs, which he resolved should never be executed, could do him no hurt, and would have a good appearance; as if he had been willing to have referred all to a parliament, had not the growing power of his enemies made it more necessary for him to consult the safety of his own person.

The case of Magdalen College convinced all men that these were extorted favours, and would last no longer than it was safe to recall them.

King James had given his orders to the Bishop of Winchester, the visitor of that college, to recall Dr Hough, and the former fellows of that society; and he accordingly went down to re-instate them; but upon the news that the Dutch fleet had suffered much in a storm, and probably could not sail till the next spring, his lordship had new orders sent to call him back; but that news proving false, his lordship was permitted to return and to pursue his first orders. This, it seems, was "all the reasonable satisfaction" that could be given, what his graces and favours to protestants were, and how long they would last.

As for what concerns the Prince of Orange, now our gracious king, I know of no mask he had on, nor that ever he threw off, or that he afterwards appeared to be any

other than his Declaration had represented him. He came not for the crown, but to reform abuses, and to secure the succession, which the right of his princess, and his own right and interest, the preservation of the protestant religion, and of the liberties of Europe, gave him right and authority to meddle with. But besides his expectation, and original intention, he has the crown which he came not for; he has deceived nobody in it; but if any one be deceived, King James and the people of England have deceived him; the one in leaving his crown, the other in placing it on his head; where indeed it ought to be, both in right of his princess, and for his own merits; for he who saves a nation, had he no other claim or title, may very well deserve to wear the crown, especially when it was with the free consent of the princess, our most gracious queen, and upon the desire of the estates of the realm, and still necessary to save the nation.

In the next place, he justifieth his leaving England, for "the security of his person being wholly in the enemies power, at first confined by them in his own palace, and afterwards rudely forced out of it under a guard of foreigners." But if he has forgot it, others have not, that before this happened he had privately withdrawn his person, disbanded his army, dissolved his government, flung his broad seal into the Thames, and had never had this pretence for his escape, had he not been stopped by a mistake; for nobody intended to stay him, and all this while he was in treaty with the prince, and that upon such equal terms, that he could be under no just apprehension of ill usage.

He excuses his going to France, because it was "the only part in Europe to which he could retire with safety;" which is a confession that he alone was in the French interest, against all Europe besides; and that he durst not trust his cause with any other princes in Christendom; which argues either a great jealousy of his own cause, or of their justice and honour even to distressed princes. But I am sure France was the only place in Europe he ought to have avoided; and if he had no other place to go to, he ought to have ventured himself at home, or to have gone to Rome, which had been a kind of second home, unless he intended to resign his crown. He knew what opinion English subjects had of his most Christian majesty; and might have known that they would never fetch him from France again, nor willingly receive him with a French power. What a "happy opportunity" he now has to recover his kingdoms again by French troops, I suppose by this time he begins to discern; and I hope it may prove a very happy opportunity for his "dear ally" to lose his: He has shewed him by his own example what to do in such cases, and the English parliament has taught the French what name to give it.

Declaration.

"Upon what foundation of justice or common sense the Prince of Orange's faction in England were pleased to treat this escape of ours out of the hands of our enemies in the style of an abdication, (a word, when applied to sovereign princes, that was never before used to signify any thing but a free and voluntary resignation of a crown, as in the cases of the Emperor Charles the Fifth, and the late Queen of Sweden;) and what a strange superstructure they raised upon this weak foundation, that a company of men illegally met together, who had not power, even by their own confession, at that time, (for it was before they had voted themselves a parliament,) to charge the interest of the meanest subject, should yet take upon them to destroy the whole constitution of the government, to make an ancient hereditary monarchy become elective; and then, assuming to themselves the right of election, should proceed to settle the succession in so odd and extravagant a manner, are transactions that need not be

repeated; they are too well known to the world, to the great reproach of the English nation; and the grounds upon which they are built are too vain and frivolous to deserve a confutation. Every freeholder of England is, in this case, able to make his own observations; and will, no doubt, examine a little better than hitherto he has done, what assurance any private man can have of keeping his estate, if the king himself shall hold his crown by no better a title."

Observations.

His leaving the kingdom for the safety of his person, "and to preserve himself for better times, and for a more happy opportunity," he says, was no "abdication," as that signifies "a voluntary resignation of his crown;" nor do I say it was: But his withdrawing his person and authority was an actual quitting of the government. Whatever it is in law, I am sure, in common sense, the throne is actually empty when nobody is in it; and nobody is in it when there is no authority in the nation to administer the government; and when the throne is empty, the estates of the realm (who are the only supreme authority when there is no monarch) must fill it again, unless the government must dissolve, and then there is an end of all rights and claims; and this they have done, not by turning an antient hereditary monarchy into an elective, but by placing the next undoubted heir on the throne. And though he never intended to give up his right and future claim, yet he has done what he never intended to do. When the throne is empty it must be filled, and when it is declared vacant, and filled by the supreme authority of the nation, there is no room for him there.

As for the convention of estates: When there was no king on the throne, we do not pretend that they were a formal parliament; for that must have a king at the head of it, and therefore, as is observed in the Declaration, they could impose no legal taxes on subjects, nor did they attempt it; but yet they were not a company of men illegally met together, without authority to do any thing; but they met at the request, and under the protection, of the then Prince of Orange, upon the fundamental reasons of the constitution itself, as the sole judges of all disputes relating to the crown. Such disputes will sometimes happen, and if there be no legal judges of it, the sword must decide it; and that is a state of war, not of civil government, which all governments are supposed to provide against; and yet, if the convention of the estates are not the proper judges in such cases, it is certain there are none, and then the civil government is dissolved; we are in a state of war, and must submit to the longest sword: But this is so fully and plainly stated in the late ingenious Reflections on the Case of Allegiance to a King in Possession, from p. 26 to p. 34, that, to shorten this letter as much as I can, I shall refer you to that author for further satisfaction.

So that freeholders are not at all concerned in this matter. A convention of estates without a king, cannot meddle with their properties without a dissolution of the government; but when there is no king, or it is a question whether there be or not, or who is king by the fundamental constitution of the government, the convention of the estates are the sole and proper judges of it; in whose determination all private subjects are bound in conscience to acquiesce. And the late king need not complain of this, as if it made the titles of princes to their crowns very uncertain and arbitrary; for he had an unquestionable title to his crown, and might have held it to this day, if he himself had not undermined it, by breaking in upon the laws, and even upon the constitution itself, upon which his right was founded. This occasioned such a revolution as forced him to abdicate, and to leave it to a convention to declare his throne vacant, and to fill it.

Declaration.

"But since some men who could not say one word in defence of the justice of these proceedings, would yet take great pains to shew the necessity of them, and set forth the extraordinary good effects that were to be expected from so very bad a cause, we do not doubt but the nation has by this time cast up the account, and when they shall have well considered what wonders might have been performed with less expence of English blood, than that which has been unnecessarily trifled away in this quarrel; that such a number of ships of war have been lost and destroyed in the three years last past, as might alone have been sufficient to have made a considerable fleet; that more money has been drained out of the purses of our subjects in compass of that time, than during the whole reigns of many of our predecessors put together; and that not as formerly, spent again, and circulating among them, but transported in specie into foreign parts, and for ever lost to the nation: When these and many other particulars of this nature are cast up, it must certainly appear at the foot of the account, how much worse the remedy is than the fancied disease; and that, at least hitherto, the kingdom is no great gainer by the change."

Observations.

I doubt his late majesty is misinformed; for there are not only "some," but a great many, who have more than "one word" to say, both for the "justice" and the "necessity" of these proceedings, and the whole nation already feels "the extraordinary good effects of them," notwithstanding the expence of blood and treasure, of which he complains; for we know whom we are to thank for that; and the best way to prevent the effusion of more blood, and the expence of more money, is to keep out his French troops, and to know when we are well. Revolutions are and will be bloody and chargeable, and therefore one revolution is enough for one age; the Dutch are already paid, and we do not desire to pay the French too, which is a much longer account, and we shall get less by it; we have hitherto had something for our money, and something that is very valuable,—our laws and liberties and religion; but I believe the nation will think it a hard bargain to pay ten times the price for French popery and slavery.

The nation, as he says, has "cast up the account," and I believe above nineteen parts in twenty have considered the matter so well, that they are come to a fixt resolution to oppose the intended invasion to the utmost of their power.

As for the loss of the "ships of war," it now appears (God for ever be praised for it!) that their majesties have a fleet still left, considerable enough, and faithful too, (notwithstanding all the arts and endeavours of our enemies to debauch them from their allegiance,) to deal with, and even to destroy, the naval power of France.

Declaration.

"The next consideration is, what may reasonably be expected for the time to come; and as to that, no better judgment can be made of any future events than by reflecting upon what is past; and doubtless, from the observation of the temper and complexion, the methods and maxims of the present usurper, from the steps he has already taken, when it was most necessary for him to give no distaste to the people, as well as from the nature of all usurpation, which can never be supported but by the same ways of fraud and violence by which it was first set up, there is all the reason in the world to

believe that the beginning of this tyranny, like the five first years of Nero, is like to prove the mildest part of it; and all they have yet suffered is but the beginning of the miseries which those very men, who were the great promoters of the Revolution, may yet live to see and feel, as the effect of that illegal and tyrannical government which they themselves first imposed upon the kingdoms."

Observations.

There is no answer needs to be given to this, which may always be said of the best beginnings of the best government. We, for our part, find no fault with his majesty's government yet, and see no reason to suspect it for the future: Taxes are the only cause of complaint now, and yet few complain of them but Jacobites, who, out of their great zeal for the late king, pay double taxes to the present government to keep him out, which does him more mischief than Jacobite oaths could do; and yet, thanks be to God, we have a hopeful prospect of the end of these taxes, and have been so well repaid of late, that we shall not grudge to clear the account, that we may have something to call our own; but of all men in the world, (excepting always "his most Christian majesty,") the late king should not attempt to frighten us with the dangers of misgovernment, for a good reason, in which himself is too nearly concerned, and which "all English protestant subjects" very well know. As to what relates to the "first five years of Nero," this certainly is a piece of the secretary's own pedantry, to shew his great reading, and to impart to us one of the choicest secrets in the Roman history. All comparisons of princes with Nero are very odious; but I know not how he could have made one more to the advantage of King William, than to compare his reign hitherto with "the five first years of Nero," which the Roman historians tell us may compare with that of the best of their emperors; but, however, this I am sure of, that it is better to begin a reign as Nero did, than to begin where he ended, as two other kings have done, and to go on to improve and perfect that ill pattern, to which, if God had not mercifully prevented it, they were, not above a month ago, just ready to have given their "last hand" and the "finishing strokes."

Declaration.

"And yet the consideration must not rest here neither, for all wise men ought, and all good men will take care of their posterity; and therefore it is to be remembered, that if it should please Almighty God, as one of his severest judgments upon these kingdoms, for the many rebellions and perjuries they have been guilty of, so far to permit the continuation of the present usurpation, that we should not be restored during our life-time, yet an indisputable title to the crown will survive in the person of our dearest son the Prince of Wales, our present heir-apparent, and his issue; and for default of that, in the issue of such other sons, as we have great reason to hope (the queen being now with child) we may yet leave behind us; and what the consequences of that is like to be may easily be understood by all that are not strangers to the long and bloody contentions between the two houses of York and Lancaster; and whoever shall read the histories of those times, and there shall have presented to him, as in one view, a scene of all the miseries of an intestine war; the perpetual harassing of the poor commons by plunder and free quarter; the ruin of many noble families by frequent executions and attainders; the weakening of the whole kingdom in general at home, and the losing those advantages they might in the mean time have procured for themselves abroad, cannot but conclude that these are the natural effects of those struggings and

convulsions that must necessarily happen in every state, where there is a dispute entailed between an injured right and an unjust possession."

Observations.

This will need but a very short answer; for as to the civil wars he threatens our posterity with, from the pretences of the Prince of Wales, I must needs say I had rather, if it must come to fighting, that they should fight for the crown twenty or thirty years hence than now. "Give peace in our days, O Lord." I had rather our posterity should enslave themselves, if they shall have a mind to be enslaved, than that we should enslave ourselves and our posterity with us. There is no such haste of bringing in popery and slavery; and it is to be hoped, if we be true to our religion and liberties, our posterity may grow wise by our example; but I must observe, that whereas the Prince of Wales in this English Declaration is called the "heir-apparent," in the French Declaration he is called only the "presumptive heir." Perhaps "presumptive heir" in the French law may be the same with "heir-apparent" in ours: If it be not, what did Sir E. H. or whoever was the penman of this declaration, mean by it? Will they set aside the pretences of the Prince of Wales, if the late Queen Mary (who is said to be with child) in good truth bring forth a son? This looks very suspiciously, as if they did not believe they had given sufficient satisfaction about the birth of this pretended Prince of Wales; but, however, we must presume him Prince of Wales till they have another, whom they can by better proof make out to be the unquestionable son of the late Queen Mary.

Declaration.

"There is another consideration that ought to be of weight with all Christians; and that is the calamitous condition of Europe, now almost universally engaged in a war among themselves, at a time when there was the greatest hopes of success against the common enemy, and the fairest prospect of enlarging the bounds of the Christian empire, that ever was in any age since the declining of the Roman. And so far from the hopes of a general peace before our restoration, that no rational project of a treaty can be formed in order to it; but that once done, the thing will be easy, and we shall be ready to offer our mediation, and interpose all the good offices we can with his most Christian majesty for the obtaining of it."

Observations.

This whole period is a sharp and perpetual satire against the French king; for who has been the great disturber of the peace of Europe but his most Christian majesty? With whom are all the princes of Europe at war but with him? Who else has hindered the success against the common enemy, and the enlarging the bounds of the Christian empire? Who invited the Turk into Europe? Who encourages him to continue the war after so many fatal defeats, which may probably prove the ruin of his whole empire? In a word, what other Christian prince is the Great Turk's ally and confederate in this war? And is not this war continued and encouraged by all the power and interest of the French king on purpose to disturb the peace of Europe, that while the imperial forces are otherwise employed, he may make a prey of his weaker neighbours? It is decent to spare crowned heads, and such as have been crowned; but the penman of this declaration deserves his reward for putting in so many notorious falsehoods, as

may justly call the truth and sincerity of the whole in question. I know but one excuse for him, that he has made it almost all of a piece; and though he has had little regard to truth, yet he has so ordered the matter, that he can deceive nobody but those who have a great mind to be deceived, and it is not amiss that such should be gratified.

Who but the late king could hope to persuade the world, that to restore him to his kingdoms is absolutely necessary to the peace of Europe; that before his restoration no rational projects of a treaty can be formed in order to a peace? He may be mistaken in this, for the French king may quickly be glad to make peace, and leave him and his restoration out of the treaty; for things are come to that extremity now, that it is in vain to think of peace till Lewis the Great be reduced to such a state as to accept it, and unable to break it, and then this argument returns upon him; for the peace of Europe is a necessary reason why he should not be restored, as I observed in my former letter.

But he who could fancy himself to be a proper and effectual mediator for a peace, if he were restored, must have liberty to fancy any thing; and it is happy for him that he has so comfortable an imagination. I do really pity him too much to endeavour to dispossess him of it, because that would be to undo him more than he is already undone.

Declaration.

"Since therefore we come with so good purposes, and so good a cause, the justice of which is founded upon the laws both of God and man; since the peace of Europe, as well as of our own kingdoms, the prosperity of present and future ages is concerned in the success of it, we hope we shall meet with little opposition, but that all our loving subjects, according to the duty and the oath of their allegiance, and as we hereby command and require them to do, will join with us, and assist us to the utmost of their power."

Observations.

I can say little to this; the event will best shew whether the people of England will think his cause so good, and the reasons for his restoration so pressing, as to assist him in it.

Declaration.

"And we do hereby strictly forewarn and prohibit any of our subjects whatsoever, either by collecting or paying any of the illegal taxes lately imposed upon the nation, or any part of our revenue, or by any other ways, to abet or support the present usurpation. And that we may do all that can be thought of to win over all our subjects to our service, that so, if it be possible, we may have none but the usurper and his foreign troops to deal with; and that none may be forced to continue in their rebellion by despair of our mercy for what they have already done, we do hereby declare and promise, by the word of a king, that all persons whatsoever, how guilty soever they may have been (except the persons following, viz. the Duke of Ormond, Marquis of Winchester, Earl of Sunderland, Earl of Bath, Earl of Danby, Earl of Nottingham, Lord Newport, Bishop of London, Bishop of St Asaph, Lord Delamere, Lord Wiltshire, Lord Colchester, Lord Cornbury, Lord Dunblane, John Lord Churchill, Sir Robert Howard, Sir John Worden, Sir Samuel Grimstone, Sir Stephen Fox, Sir George Treby, Sir Basil Dixwell, Sir James Oxendon, Dr Tillotson, Dean of Canterbury, Dr Gilbert Burnet; Francis Russel, Richard Levison, John Trenchard, Esquires; Charles Duncomb, citizen of London, —— Edwards, —— Napleton, —— Hunt, fisherman;

and all others who offered personal indignities to us at Feversham; except also all persons who, as judges or jurymen, or otherwise, had a hand in the barbarous murder of Mr John Ashton, and of Mr Cross, or of any others who have been illegally condemned and executed for their loyalty to us; and all spies, and such as have betrayed our counsels during our late absence from England,) that, by an early return to their duties, and by any signal mark of it, as by seizing to our use, or delivering into our hands, any of our forts, or by bringing over to us any ships of war, or troops in the usurper's army, or any new-raised and armed by themselves, or by any other eminent good service, according to their several opportunities and capacities, shall manifest the sincerity of their repentance, shall not only have their respective pardons immediately passed under the great seal of England, but shall otherwise be considered and rewarded by us as the merit of their case shall require. And for all others who, after the time of our landing, shall not appear in arms against us, nor do any act or thing in opposition to our restoration, the persons before-mentioned only excepted, we shall provide in our first parliament (which we intend to call with all convenient speed) by a general act of indemnity, that so the minds of all our subjects may be as quiet and as much at ease as their persons and properties will be secure and inviolable under our government.

"Provided always, That all magistrates, who expect any benefit of our gracious pardon, shall immediately, after notice of our landing, make some public manifestation of their allegiance to us, and of their submission to our authority, and also publish and cause to be proclaimed this our declaration, as soon as it shall come to their hands; and likewise that all keepers of prisons immediately set at liberty all persons committed to their custody upon the account of their allegiance and affection to us, or be excluded from any benefit of our pardon.

"And we do hereby further declare, That all officers or soldiers by sea or land, now engaged in the usurper's service, who shall, after notice of our landing, at any time before they engage in any fight or battle against our forces, quit the said illegal service, and return to their duty, shall not only have their respective pardons, but shall likewise be fully satisfied and paid all the arrears due to them from the usurper; and that even the foreigners themselves, who have been as well in troops as single persons drawn into this kingdom, in order to list them as there should be occasion, for the opposing our return, and continuing our people in the oppression they lie under, may not be altogether driven to despair, we do promise, that all such of them as shall, as aforesaid, before they engage against any of our forces, lay down their arms and claim the benefit of our present declaration, shall have their arrears satisfied, and care shall be taken for their transportation to their respective countries, or elsewhere, as they shall reasonably desire."

Observations.

Let us now consider the grace and favour promised in this declaration; for grace and pardon, &c., are very good things when we need them; but yet no man would choose to need them if he could help it. If the late king's restoration were desirable upon other accounts, and nothing hindered subjects from returning to their duty and allegiance but fear of punishment for what is past, the promise of pardon would be a very good argument to encourage subjects to assist him in his return; but merely that we shall be pardoned, is no argument to bring him back, because we shall need no pardon if we don't; and that is always the surest side, to need no pardon, much surer than any promise of pardon the late king can make.

And yet he has used that great caution in his promise of pardon, as if he were afraid

we should expect more than he intends to give, and should charge him with a new breach of promise when we come to Tower-hill or Tyburn.

We see whom he has excepted, but 'tis not easy to know who is pardoned; the truth is, he has put all the subjects of England under a necessity of forfeiting their pardon when he recovers his throne, or of being hanged or mobbed, at least of venturing both, before he can be in a condition to pardon. All are excepted from this pardon who shall either "appear in arms against him, or do any act or thing in opposition to his restoration." Now, "to collect or pay any of the illegal taxes, or any part of the revenue of the crown," are expressly forbid, "as abetting or supporting the present usurpation;" and, therefore, to pay taxes is one of the acts or things which excludes from pardon, and this excepts the whole nation at once. And, for the comfort of the clergy, to pray for King William and Queen Mary, and for the success of their arms, especially after the "late king" is landed, will certainly be "doing an act or thing in opposition to his restoration." And all magistrates are in a very hopeful condition, who are excluded from pardon, unless they shall "immediately, after notice of his landing, make some public manifestation of their allegiance to him, and of their submission to his authority, and cause his declaration to be proclaimed as soon as it shall come to their hands."

This is a very "gracious pardon," which men must purchase at the price of their necks, and yet how far this pardon will extend we know not; it may be only to life, for here is no mention of fortunes or honours, and yet it is but a mere pardon; here is not one kind word given to the protestant nobility, gentry, or clergy; no promise to employ them in his councils, or any civil or military trusts; and when we know how, he has hitherto kept his promises, we have little reason to expect that he will now do more than he has promised.

But besides the exceptions from pardon in general words, which, upon one account or other, do involve the whole nation, there are some things very remarkable as to the persons by name excepted. Most of them, I believe, are not sorry for it, because they know their case would have been the same had they not been excepted, and possibly others may hope their case may be the better for being excepted. But why Sir St F. and Sir S. Gr.? They are both of them very worthy and honest gentlemen, and I dare almost be their compurgator as to having had any hand in revolutions; but I must confess both of them have estates very worthy to be excepted. And some such reason probably there may be for excepting Sir J. O. and Sir B. D. of Kent; for it cannot but come into every body's mind how conveniently their estates lie to make a compensation to Sir E. H. for his great merits and sufferings. But why descend so low as to except poor Hunt, the fisherman? This I take to be a true stroke of Secretary Melfort's popish bigotry, and put in on purpose to let us know that effectual care will be taken that the late king, whenever he returns, shall have so exact a memory, that the merits of the meanest man in England shall not be forgotten. You see what the pardon is, and those who like it may merit it, if they please.

Declaration.

"And we do hereby further declare and promise, That we will protect and maintain the church of England, as it is now by law established, in all their rights, privileges, and possessions; and that upon all vacancies of bishopricks, and other dignities and benefices within our disposal, care shall be taken to have them filled with the most worthy of their own communion."

Observations.

Here he promises to protect and defend the church of England, which will be a great favour indeed from him, if he should return with a French power. But the church of England is protected already by princes who think it their duty to do it; and we think ourselves much safer in the inclinations of a protestant king and queen than we can be in all the promises of a zealous papist. And therefore this can be no argument in our case, because it offers us a worse security for our protection than what we already have; for it is always great odds on nature's side. And yet this promise to the church of England seems fainter and cooler than some he has formerly made, which is all the reason we have to expect it will be better kept; especially there being not the least intimation of the breach of his former promises, nor any excuse made for it. And it is fit to be observed, that whereas he promises that "upon all vacancies of bishopricks, and other dignities and benefices within our disposal, care shall be taken to have them filled with the most worthy of their own communion;" there is not one word said of universities and colleges, though the case of Magdalen College is so very notorious, and so fresh in every man's memory, that there is hardly a yeoman or artificer in the nation that has not a lively remembrance of it. Church of England men then shall at present have the churches, and papists the colleges, to breed up a Roman catholic succession of honest Obadiahs.

Declaration.

"And whereas more tumults and rebellions have been raised in all nations upon the account of religion, than on all other pretences put together, and more in England than in all the rest of the world besides; that therefore men of all opinions in matters of religion may be reconciled to the government, that they may no longer look upon it as their enemy, but may therefore think themselves equally concerned in the preservation of it with the rest of their fellow-subjects, because they are equally well treated by it; and being convinced in our judgment that liberty of conscience is most agreeable to the laws and the spirit of the Christian religion, and most conducing to the wealth and prosperity of our kingdoms, by encouraging men of all countries and persuasions to come and trade with us, and settle amongst us; for these reasons we are resolved most earnestly to recommend to our parliament the settling liberty of conscience in so beneficial a manner, that it may remain a lasting blessing to this kingdom."

Observations.

In this paragraph, for the "peace of the nation, and for the advancement of trade," he promises "earnestly to recommend to the parliament the settling liberty of conscience;" but this is no argument to the dissenters to help forward another revolution, because they have it already in as full and ample a manner as it can be given them. All that he can add to this is liberty of conscience for papists, and the repeal of the test, which cost him so much closetting to no purpose, and now is promised as a favour. What protestant dissenters will think of it, I leave them to consider.

But when he says, "we are convinced in our judgment that liberty of conscience is most agreeable to the laws, and to the spirit of the Christian religion," methinks these two kings treat one another with great freedom. For what handsomer compliment could have been made to the "most Christian king," than to intimate that his perse-

cution of his protestant subjects is not at all agreeable to the "laws," or to the "spirit of the Christain religion?" This is plain dealing if the French king can bear it; but I suppose they are agreed that K. J. shall declare as is most fit for his purpose, and the French king do what is most convenient for his own.

Declaration.

"Lastly, It shall be our great care, by the advice and assistance of our parliament, to repair the breaches, and heal the wounds of the late distractions; to restore trade, by putting the act of navigation in effectual execution, which has been so much violated of late in favour of strangers; to put our navy and stores into as good a condition as we left them; to find the best ways of bringing back wealth and bullion to the kingdom, which of late have been so much exhausted; and generally we shall delight to spend the remainder of our reign (as we have always designed since our coming to the crown) in studying to do every thing that may contribute to the re-establishment of the greatness of the English monarchy upon its old and true foundation, the united interest and affection of the people."

Observations.

What these "breaches and wounds of the late distractions" are, he does not tell us, and therefore we must suppose they are such as are here mentioned. As for "restoring trade," it has not been lost yet; the custom-house does not complain of it, which is commonly the first that feels it. The navy is in a much better condition than he left it, if we may guess at that by its late exploits: but if he be so well skilled "in restoring navies," he ought, both in charity and gratitude, now to stay a little longer in France. As for his "bringing back wealth and bullion into the nation," I believe the nation would have been better pleased if he would have promised to send none out. And as for his concluding promise, in these words, "and generally we shall delight to spend the remainder of our reign (as we have always designed since our coming to the crown) in studying to do every thing that may contribute to the re-establishment of the greatness of the English monarchy upon its old and true foundations, the united interest and affection of the people." This is plain-dealing, and surest to be made good of any thing in the declaration. And if he does this "now, as he always designed to do it," (for he could not then do all that he *designed* to do,) here is a renewed promise of popery and arbitrary power: and those are unpardonable infidels who will not take his word for it.

Declaration.

"Thus having endeavoured to answer all objections, and give all the satisfaction we can think of to all parties and degrees of men, we cannot want ourselves the satisfaction of having done all that can be done on our part, whatever the event shall be; the disposal of which we commit with great resignation and dependence to that God who judges right. And on the other side, if any of our subjects, after all this, shall remain so obstinate as to appear in arms against us, as they must needs fall unpitied under the severity of our justice, after having refused such gracious offers of mercy, so they must be answerable to Almighty God for all the blood that shall be spilt, and all the miseries and confusions in which these kingdoms may happen to be involved, by their desperate and unreasonable opposition.

Given at our court at St Germains, this present 20th of April, 1692, in the eighth year of our reign."

Per ipsum regem manu propriâ.

Observations.

Thus the Declaration ends, and it is time for me to end too. After these observations you will be able to comprehend both the wise design of this Declaration, and how likely it is to have its effect, provided it can but gain these two easy points: First, to persuade King William to quit the crown for fear of losing it, and then prevail with the people to believe, that two other kings, whom I will not name, will, for this once, put off their natures, and, out of a particular respect and kindness to the English church and nation, quit all thoughts of introducing popery and arbitrary power here in England.

Once more, sir,

Farewell.

The Pretences of the French Invasion examined, for the Information of the People of England.

While the terrors of invasion were impending, and Jacobitism, according to Dr Burnet, was more prevalent than ever, the following pamphlet was published under the countenance, if not by authority, of the court, for confuting the plea set up by the malcontents. The object is to show that James was the author of his own ruin; that the state of the country under William, notwithstanding the increase of taxes, was more honourable and happier than under his predecessor; that in effect there was no innovation upon the constitution, which rested on its original basis; and that the protestant religion could never be in such safety under a papist monarch as under the sway of William, the very champion of the reformed faith. The pamphlet met with much attention, and was combated by several answerers. It is said to have been written by the Earl of Nottingham, who might be now considered as the head of the revolution tories, and who had early given William a hint, that although his party could not concur in placing him on the throne; yet, when he had gained that situation, he would find the high-churchmen his most faithful, as well as most commodious servants. William had accordingly formed a tory administration, disgusted with the obstinacy of his whig partizans, and as one of the first fruits of his promised, or transferred allegiance, the Earl of Nottingham proceeded to confute the pretences for the impending French invasion.

THAT the sword hath long been kept from destroying among us, is a blessing which we cannot sufficiently understand, unless we consider the woeful desolation it hath made in all neighbouring nations; nor are they at all sensible how much they owe to God and their majesties for keeping us in peace, who give the least encouragement to

this intended descent, which must turn our land into an Aceldama, and will make such woeful havock of our lives and fortunes, while one party fights for safety, and the other for revenge, that no age can parallel the horrid consequences of such a civil war as this will prove. And if papists only (blinded by zeal for their religion, and blown up with hopes of absolute empire) encouraged this bloody design, it would be no wonder, and could have no success, considering the general aversion of the people to them, and the fresh instances of their insolence and cruelty.

But, alas! it appears that many, who call themselves protestants, are engaged in this fatal conspiracy against their religion and their native country, which is so prodigious and amazing, that a man would wonder who hath bewitched these foolish Galatians to push on their own and the church's ruin; and every one must be inquisitive into the specious pretences by which these men are induced to become their own executioners.

Now the pretended motives are these:—

1. Repairing the injury done to the late king.
2. Delivering us from the oppressions we suffer under the present king.
3. Settling the government upon its old basis.
4. Securing the protestant religion for all future ages.

Now it becomes every true English protestant to examine these pretences very well, before he venture on a thing of so evil appearance and dangerous consequence as is the joining with these invaders.

First, It is pretended the late king was unjustly deprived of his birth-right by his subjects, who, by nature and oaths, were bound to defend him in the possession of it; and now that he comes to demand his own, all that ever were his subjects must either assist, or at least not oppose him.

But let it be considered, that all the late king's sufferings were owing to, and caused by, the counsels of his popish priests, and the bigots of that persuasion: Protestants were not the aggressors; he might have kept his possession to this day undisturbed, if he had not made such open and bold attempts upon our laws, our religion, and properties, so that he was the first and only cause of his own sufferings. And why should millions be involved in blood and ruin, who are perfectly innocent of doing this injury? No free nation did ever bear more or greater injuries, or endure such violence so long, or so patiently, as we did: and when some stop was to be put to the final ruin of our liberties and religion, it was done at first by petitions and complaints; and when they were despised, none but defensive arms were taken up by some few, and by a foreign prince, only to cover their heads, while the grievances were fairly redressed; not to take away his rights, but to secure our own. Nor did the Prince of Orange, or these gentlemen, divest or deprive him of his throne, but owned his right by offering a treaty, during the continuance of which he disbanded his army, dissolved his government, and, as much as in him lay, attempted to desert the throne, and seek aids from an enemy's country, which might secure him against redressing any grievances, and enable him to be revenged upon the injured complainers. We did not make the throne vacant; but the late archbishop, and other peers at Guildhall, believed he had left it void, or else they would not, without his consent, have seized on the administration of government, secured his chancellor, taken possession of the Tower, and offered the exercise of the supreme power to the Prince of Orange. He left us in anarchy, and we provided for ourselves in the best manner such a juncture would allow. I will not enquire now, whether these subjects, who are so zealous for his return, were not bound to do more than they did to keep him in his throne while he had it; their conscience then permitted them to look on, and let him sink, while his security had been far more easily compassed; but they, who have now these unseasonable pangs of their old

loyalty, must consider that a man may leave his right when he pleaseth, but may not take it again at his pleasure, especially not by force, and this most especially as to sovereign power. Somebody must govern when he would not; the next undoubted heir, in hereditary monarchy, must; and whoever doth govern in chief in this nation must be king by our constitution, and must have power sufficient to protect himself and the nation against all their enemies; and that cannot be without swearing new allegiance. Now, when a king and queen are declared, submitted to, and owned by oaths, and all other methods required in such case, the king is not at liberty to give up his own power, and the protection of us, nor are the people free to join with him that deserted them, or to venture their necks, or their country's ruin, to restore him. I dare say that the French king will not grant that the citizens of those cities, who were subjects to Spain, or the emperor, and bound by oath to those princes, (but have now submitted to him, and sworn new allegiance,) are obliged to venture their lives and fortunes, by virtue of their old oaths, to restore those cities to their former masters; doubtless he would solve their scruples with a halter if he found they attempted it. Besides, the injuries, as they are called, done to the late king by his own acts, if they were capable of reparation, must not be repaired with the injuring, yea, ruining, many thousand innocent persons, who must unavoidably lose their lives, and be undone in their estates by his returning by force. The present king and his army are bound by oaths, duty, and interest, to oppose him; so are all now protected by him, and who have sworn allegiance to him; and it is certain all that are not perjured hypocrites will do so; and then, what Englishman's bowels must not bleed to consider what murders, burning, plundering, and destruction he brings upon his native country, who encourages the aggressors? If he has any kindness for us, whom he calls his subjects, he would rather sit quietly under his single injuries, than wish, or, however, attempt to be restored by blood and an universal ruin; and, if he has no pity for us, why should we be so concerned for him, as to sacrifice our lives and fortunes to his revenge? He went away while a treaty was on foot, and nothing but a treaty can restore him fairly, which he never yet offered. We did not force him to go away in disguise, and if he will force himself upon us again by French dragoons and Irish cut-throats, we may and must oppose him, for our allegiance is now transferred to another. Finally, there is no injury to any but himself, and those who run into voluntary exile with him, by his being out of the possession; the monarchy, the law, the church, and property are all in better estate than in his time; and all these, with innumerable private persons, must be irreparably injuried by his return in an hostile manner. So that there can be no reason to redress the sufferings he owes to his own faults, by so many public and private injuries. If it be pleaded that he, who was born to a kingdom, really wants subsistence, I reply, that, if he would seek the peace of Christendom, and of his late subjects, he might, by a fair treaty set on foot, not only restore the exiles, but have a sufficient and honourable maintenance from this government; but while the war he makes upon it, puts us to so great expence, he cannot expect it, nor imagine we should give him a supply to enable him to ruin us.

The second pretence why we should assist towards his restoration, is, to deliver ourselves from the oppression we suffer under the present king: And, to set off this with a better gloss, the late reign is magnified by the jesuits and their tools, and this blackened; freedom from taxes then is made a rare instance of his gentleness, and the present impositions heightened with all the rhetoric imaginable, to represent this king as an oppressor. The flourishing of trade then is extolled, the decay of it now odiously insinuated, and great hopes are given of golden days, upon the return of James the Just; he is to make us all happy.

Now, to answer this, there is no need to make a satire on that reign, or a panegyric on this; that is so well remembered, and this so fully known, that all unprejudiced peo-

ple see on which side the truth lies. But it is great pity they who have the wit to invent or urge this plea, have not a memory to remind them that none complained more of the danger of law and religion, of our lives and fortunes in that reign, than many who have this high opinion of it now; the cruel severities in the west, the high commission turning out of offices all good protestants, attempting to reverse all the penal laws, putting unqualified men into all places of trust, profit, and power, excluding the fellows of Magdalen; and putting in papists, with the imprisonment and trial of the bishops, were thought oppressions then; but now all these are buried in oblivion, and those taxes which the late king, and his ally of France, with their abettors, alone make necessary to this frugal prince, these are our only grievance, and this king's unpardonable crime. The late king had one tax, and might, yea, would, have had more for the glorious design of enslaving his subjects, if he could have got a parliament to his purpose, which he vigorously endeavoured; and it was, because he was sure he must satisfy his people in their just complaints, whenever he asked a supply, that he durst not ask it of a freely chosen parliament; yet then we were in peace with all nations, and now he hath entangled us in a war with the worst enemy in Europe. Assessments then were not needed, but to hasten our ruin; now they are absolutely necessary to our safety, and made so by him and his complaining friends. Yet still what grievances are these taxes, in comparison of what is laid on the French slaves, into whose condition we were intended to be brought? There is a vast difference between losing our property for ever, and paying some part of our profits to secure the rest, and our inheritances to our posterity, as well as ourselves. Besides, should we not leap out of the frying-pan into the fire, if, to avoid tolerable payments, we should rashly bring a fatal war to our doors, that must last till more than one half of the nation be destroyed, and the rest utterly, and almost irrecoverably, impoverished? This, I am sure, is voluntarily to change our whips for scorpions. We have paid as much formerly for assisting France to ruin Europe, and maintain vice at home, as now serves to deliver Europe, and secure our native country and religion from utter destruction: Nor are the sums considerable, reckoning the abatement of chimney-money which we have paid to this government; no country in Europe hath paid so little in proportion to our wealth these last three years of war: And, if the late king return, England must pay all the sums borrowed of France, to maintain him abroad, to keep Ireland, and to discharge the forces that came to thrust him on us, and must stay to compleat the happy design of setting up popery and slavery, the natural consequences of his restoration; and it is well if arrears of chimney-money, and other public monies, be not called for to carry on so glorious a work: So that if England rebel against the present king, to avoid the burdens now upon them, they expose themselves to ten times greater taxes for many years, and it can end in nothing but the utter impoverishing of the whole nation, especially the protestant part of it, who by their poverty will become a more easy prey. As for trade, the decay of it began in the late king's time, and it is the war which he and France had engaged us in, that still keeps it at a low ebb; so that for the late king's friends to expose the present government for this, is like a conjuror's complaining of the storms he raises. That ingenious History of Bishop King's of the Estate of the Protestants in Ireland under King James, makes it out that the late king feared and hated the increase of trade, which made him use all means to hinder it; and all the world sees that no absolute monarch, as he affects to be, likes that his subjects should grow rich by trade. But our present king, so soon as he can have peace, will make it his first care to promote trade here, as he did in the country he came from; and, even in the difficult times he had, trade hath been a great part of his and his parliament's care. Finally, if men can remember the times that are so lately past, when law and right was only the king's pleasure, dictated by mercenary judges; when no party but the papists flourished, when a general consternation had stopped all business,

they cannot hope to be happy by his return, who caused all these miseries: And they must expect, now he hath perfectly learned the French methods, of making a king the greatest of all monarchs, by making his subjects the vilest of slaves, that he will practise it with greater industry and application than ever, to put it eternally out of his subjects' power to protect themselves again: For oppressing his people, which was but expedient before, will now be thought absolutely necessary. So that nothing can be more improbable, not to say impossible, than for England to be happy under him, that attempted to make her miserable without any provocation, and must return with the same principles and designs, the same counsellors and interests he had before, and with all the addition that revenge, hatred, and fear can make to an angry and implacable mind: But it may be said his dear-bought experience of the ill success of these methods will make him rule more moderately, if he be restored: To which I reply, *Cœlum non animum mutat*. The fore-cited book of Bishop King's demonstrates, that after he had lost England and Scotland, and a great part of Ireland, upon his return thither from France, he was more arbitrary and hard to his protestant obedient subjects, than ever he had been before, even though it was against his visible interest, and tended to disgust all the protestants who would have served him there. His declaring himself papist at first here, and all his actions since, shew that he prefers his will, and an obstinate pursuing his own methods, far above his true interest; whence it follows, that we vainly expect from one of his temper, that either his past experience or his future interest should teach him moderation, any longer than till he had power to oppress us: And, if he should by a thousand promises or oaths engage to rule by law, his frequent breach of both hath given us no reason to trust him; and the religion he professes can so easily dispense with both, that neither of them give us any security from that sort of obligations. The interests of popery and France require he should be absolute, and his nature spurs him on to it, and nothing but fear can for a moment restrain him from being so. What a shadow of a dream then must this be, of protestant subjects being happy under a bigotted popish prince of such a temper?

Thirdly, Whereas it is said we have changed our old hereditary monarchy into one merely elective, and by degrees shall bring it to a commonwealth; nor can any thing prevent this, which will be of fatal consequence to the church, but our restoring the late king: I answer, the position is false, and the consequence a mere sham; the government of England always was, and ever must be, monarchical; that twelve years, when it was endeavoured to make it otherwise, convinced all men that all projects to the contrary must come to nothing. As for this revolution, it is not likely a parliament which made an entail of the crown, in a lineal succession, should be for setting up a commonwealth, or altering the hereditary monarchy. If it be alledged there was a great breach as to the person of the reigning king, it is replied, he himself made it, and they did not make, but find the throne void. And there have been greater breaches since the Conquest, as to the true lineal succession, and laying aside, yea, deposing, the reigning king, and setting up his son, or a remoter person, which indeed was an injury to the king so deposed; but still the monarchy was called and continued to be hereditary. In our case the king deserted us, yea, left us without any government, but we applied to his next certain heir, with whom at her request, and for our safety and hers, by general consent, a title was given to her husband and our deliverer, but this only for life, though he be much nearer in blood to the right of succession, than either Henry the Fourth or Henry the Seventh, successively made kings of England. And the saving the succession to the Princess of Denmark, and her heirs, shews how far that parliament was from designing any such thing as a commonwealth. We see Philip of Spain, who had no title to be King of England, but by his marriage with Queen Mary, was made king at her request, and in her right; but he had not merited so much as

our king, and therefore his title was to cease at her death. As for the Prince of Wales, there are so clear indications of his birth being an imposture, and the design of forming that project is so known to be revenge on the princesses, for adhering to their religion, and to get more time to force popery and slavery upon us; yea, his health and strength make it so unlikely he should proceed from such crazy parents, that till the parties concerned prove the affirmative by better witnesses and clearer evidence, and the people of England in parliament own him for the heir, we need not go about the unreasonable task of proving a negative: Wherefore, since the breach in the succession was the late king's own act, and only concerns his person, and a supposed unknown heir, we are not to answer for that; and, considering the hurry his unexpected desertion put all things in, and the absolute necessity of a speedy settlement, the friends of the old English monarchy have just cause to rejoice it was made so near the old foundation, with a small and only temporary variation from it, which was also absolutely necessary in that juncture of affairs: And it is evident that there are many of the best quality and interest, who hate the notion of a commonwealth in England, and love monarchy as well as any of the late king's abettors, who freely consented and firmly adhere to this establishment. If it be objected, that King William was bred up in a commonwealth, and inclines to that form of government, it is answered, he doth and may like it in Holland, but they must shew some instances that his zeal for a commonwealth is as hot and as blind as King James's for popery, before they can prove him so desperate a foe to his own interest, as to uncrown himself and make himself the people's vassal, when he is and may be their gracious lord. If it be urged that it is a dangerous precedent for future kings to allow the people a liberty to take away their prince's right, and set up another on pretence of misgovernment, the reply is, the late king was the occasion of this precedent, by first attempting to alter the whole frame of our laws, government, and religion, and then deserting us. And if it be an ill precedent for the safety of princes, that the advantage was taken, it was however necessary to take it for the safety of the people, for whose good Heaven made kings. Sure I am there are as dreadful consequences of arbitrary tyranny, as there are of rebellion, witness the misery and slavery of the poor French at this day; and it seems as necessary there should be some precedents to deter princes from abusing their power, as well as to restrain the people from abusing their liberty: For both tyranny and rebellion are great sins, and of most mischievous consequence. Wherefore this unexpected example may make our kings more just, and more apt to rule by law, but it can never hurt the monarchy itself, or countenance rebellion, while a king is in the throne that will stay to hear and redress his people's grievances, which will never be denied by the present or any other good king.

The last pretence is the most surprising of all, that there is no way to preserve the church of England, no nor the protestant religion, but by restoring the late king, who, it is said in his Declaration, promises this as liberally as he did at his first accession to the throne.

If mankind were not the oddest part of the creation, one would wonder how it is possible for protestants to believe that the wolves design good to the sheep: When the late king was here, he involved himself in infinite mischiefs, and did the most odious things in the world to destroy the protestant religion, and especially to ruin the church of England; and hath he given any evidence of changing his temper, his principles, his zeal, or his methods? He shewed in Ireland a greater spite to protestants than ever; he hath lived in France ever since, where he hath seen how much it tends to advance his dear absolute power, to dragoon all men into the king's religion; his only motives to draw in this Frenchified pope, to lend him money to invade us, is by convincing him he lost all by his zeal to restore popery, and by engaging he will use his power, (if he can regain it) only to promote the catholick interest. His other ally, the French pro-

secutor, cannot be endeared by any better interest, till the principal of the sums lent are repaid by poor England, than by assurance that he will make one kingdom in the world as miserable by absolute empire, and forcing one religion, as France now is; that his barbarity, cruelty, and treachery may not be the infamous single instance of such proceedings, his promise to his allies, his zeal, his principles, and his nature, all engage him to destroy the protestant religion. He attempted it when he was not half so deeply obliged, and can we think he will not pursue it now? It is next to frenzy to think the pope and King of France furnish him with money, ships, forces, &c. only to secure the protestant religion, and church of England; he must be tied in more than ordinary bonds to endeavour the ruin of both, or no such favours had been shewn by such a pope and such a persecutor: It cannot be ease to Roman catholicks he desires; they are more at ease under King William than under any protestant king ever since the Reformation: It must therefore be the suppressing all other religions, and setting up that alone must engage Rome, France, and Lucifer in his restoration. As for his promises to us in his Declaration, alas! he hath already given greater and stronger to the pope and French king to the contrary; and though his interest, and the hopes that some will be so mad to believe him, put him upon renewing these promises to England, yet his confessor can soon resolve him which promise is to be kept, whether that pious catholick promise to the holy father, and the Hector of that cause, or that extorted one to heretics: Besides, we should remember the Italian proverb, "God forgive him who deceives me once, but God forgive me if one man deceives me twice." No prince in the world ever promised with more solemnity than the late king, to protect the protestant religion, or the church of England; yet nothing is more clear than that he designed to gull us only, not to oblige himself by this protestation; and the first thing he did was to break it as soon as he durst, and can we be so distracted to believe him again? He declared in Ireland that the church of England stunk in his nose, and that he abhorred it. He cannot truly love either any person of that persuasion, or any other protestant; he may flatter some of them to get into the saddle, but when they have mounted him he will ride over their heads; his own friends of the protestant religion are very few, and his revenge on the far greater number who have opposed his designs, will outweigh the kindness of a few inconsiderable heretics who abetted his interest, and who will be told that it was not sense of duty, but despair of obliging his enemies, that forced them into this quarrel: They had sufficient experience after Monmouth's rebellion (suppressed only by the church of England men) how little any acts of those he counts heretics can oblige him; his carriage in Ireland to the loyal protestants writ this in capital letters, and it must be supposed they have drunk deep of Lethe, who can forget all this: But I pray, what is it the church of England wants, or any other protestant? This king is as serious and sincere a protestant, and as true a lover of that interest, as King James is a professed enemy to it; and, why may not he be more likely to preserve the religion he professes, than the other to maintain that religion which he vilely deserted, and mortally hates? The churchmen say King William is too kind to dissenters, but hath he given them any other or more liberty than King James did? That king begun with toleration, and it was not for a new prince in a troublesome state of things to alter any thing of that nature: Besides, at the same time, the dissenters do think the present king too kind to the established church, not considering that it is the national religion which he found, and keeps in possession of all its rights, as his duty and oath oblige him; yet so as the dissenters have ease, and every thing but empire, which from a prudent King of England they can never expect, being not only a less part of the nation, but so divided amongst themselves that nothing can please all parties of them; and therefore freedom to worship in their several ways is all the favour they can be capable of in the best of times, and so they are most unreasonable to hope for more now: Besides, let it be considered

that our king is not only the head and protector of the protestants of England, but of all the reformed churches in Europe; and the French king, the main wheel in this designed restoration, is so mortal an enemy to the whole reformation, that he desperately weakened himself, and banished 30,000 families of useful subjects, only to root the whole profession out of his own dominions: And now can any rationally pretend this present king will destroy the English church, or the French persecutor and his client, the late King of England, uphold it? My dear brethren and countrymen, do not so infamously abuse yourselves to believe so incredible a fiction, so manifest a cheat: Alas! all these good words are only to lull you asleep, till you, at the peril of your necks, get him power enough to extirpate you and your religion also: I doubt not but for a while he would maintain the established church, and renew his indulgence, because he can get footing no other way; but it is easy to foresee of what kind these sham favours will be: They spring from fear and desire of opportunity to be revenged, and so soon as ever the fear ceases, and that opportunity comes, he will most certainly kick down the ladder by which he ascended, and pull off the mask, appearing what he is in his nature and principles, and not what his necessities have made him seem to be; so that if this disguise be credited, the persons imposed on will and must pay for their credulity, with the woeful price of helping to destroy the most pure and flourishing church in the world; in assisting to re-instate him and fighting for him, they fight against their own religion, which the primitive Christians, for all their heroic loyalty, would not do, and which no man ought to do, either for interest or revenge. For my part, I think true religion so far above all worldly concerns, and the preservation of it so principal an advantage of government, that the prince who will certainly suppress that, must be more intolerable than he that would take away my liberty, estate, or my life; and it must be a damnable sin in me to assist him in it, or put him into a capacity to do it: No oath or allegiance can bind me to this, it may oblige me to suffer, but not to act for such a design: Wherefore, for shame let his Irish and English popish subjects alone carry on this impious design, who can only hope for advantage by his restoration, and who are only bound in conscience to help him; neuter we must stand at least, and that will suffice to shew how contemptible a party that is, which must be set up on the nation's ruin, and how impossible it is for him to cut down the protestant religion in England, without borrowing a handle from the tree he would fell. Take warning by what is past, and what must be the inevitable consequence of your deserting this king, or assisting the late prince, even the ruin of this most famous church of England, and the endangering the whole estate of protestantism through all Europe: In vain will you complain of this consequence, when it is too late to remedy it; your guilt, shame, and sorrow will then only remain, for having had a hand in so deplorable a mischief: For my part I have delivered my own soul, and given you fair warning; God of his infinite mercy open your eyes in time, and grant you a right judgment in this and in all things.

A modest Apology for the loyal Protestant Subjects of King James, who desire his Restoration, without Prejudice to our Religion, Laws or Liberties: In Answer to the Pretences of the French Invasion Examined. In a Letter to a Friend.

The pen was no sooner laid down by the friends of government than it was taken up by the advocates of King James. This is an answer to the preceding Tract, as well as to Dr Lloyd's Letter upon a French Invasion.

SIR,

I HAVE read over the pamphlet you sent me; and, at your importunity, have here sent you some reflections upon it, *en passant*: I am sensible that the subject matter might, and deserved to have been handled largelier, and with more accuracy, but your desiring so speedy a return, I have but time to write legible my first scratches, hoping some person of a happier vein and master of his time, will undertake the vindication of us protestants, who dare not disavow our allegiance to our king. I shall detain you no longer in the porch, but to tell you that I follow the author from page to page, and so am obliged to make some repetitions where he doth the like, either in other phrases or different applications; therefore it will be convenient you compare this with the pamphlet as you proceed.

The penman of this discourse saith, "That the sword hath thus long been kept from destroying among us, is a blessing which we cannot sufficiently understand, unless we consider the woeful desolation it hath made in all neighbouring nations; nor are they at all sensible how much they owe to God and their majesties for keeping us in peace, who give the least encouragement to this intended descent, which must turn our land into an Aceldema."

There is small thanks owing to the Prince of Orange for his warding the destroying sword thus long from us, if we consider that he only hath involved these kingdoms in a war we had never been engaged in, if our lawful king had been still upon his throne; if we have not seen the woeful desolation it hath made in all neighbouring nations, yet Scotland and Ireland have been sufficiently harassed with it; if it had not been that we have so unfortunately espoused his quarrel, we had not lost above one hundred thousand fellow-subjects, near upon two thousand ships, nor seen hundreds of families reduced to beggary by losses, want of trade, and exorbitant taxes; if these be blessings, we owe them indeed to those majesties he mentions; but mankind may be well satisfied he preserves us only as his magazines and garrisons, which he may have resort to when his confederates can no longer support him, and then we may expect to be an Aceldema, the miserable theatre of his last efforts.

As to our author's big words of "conspiracies and combinations of protestants, with bloody-minded papists," or calling our late king's attempt to regain his crown, "a French invasion against our country and religion," it is not giving loyal subjects

black names should terrify them from their duty: He must know that whoever shall be the forwardest to repair to the royal standard, do it to save the effusion of English blood, and for a generous and good end, to rescue us from Dutch slavery, and an endless war; and upon those very motives the author mentions, and endeavours to render weak and frivolous: But I hope I shall maintain and vindicate them as just and honourable, and such as loyal protestants need not be ashamed of.

Our author saith, our first pretended motive is, "That the late king was unjustly deprived of his birth-right by his subjects, who by nature and oaths were bound to defend him in the possession of it; and now that he comes to demand his own, all that ever were his subjects must either assist him, or at least not oppose him." To this he replies, "That all the late king's sufferings were owing to, and caused by the counsels of his popish priests, and the bigots of that persuasion; protestants were not the aggressors," &c.

However the king's favourable aspects to those of his religion might damp the affections of his protestant subjects, yet his sufferings were principally owing to the sensibleness the Dutch had, that the king, by his granting liberty of conscience, and providing such naval and military stores, had a design to promote the traffick of his subjects, and oblige the Dutch to a juster and more equitable regulation of trade, than any of our kings could hitherto obtain. This gauled them in the sensible part, and they well knew they must either embarrass him at home, or they must forego their cursed treacherous art in circumventing our trade. The king's religion gave them an handle to their wishes, and the Prince of Orange's ambition prompted him to concur with them in all their designs: By the Earl of Shaftsbury, and his popish and presbyterian plot, they had sufficiently tried the nation's jealousy against the growth of popery. And that he had been their agent, his taking sanctuary there, when his mischievous intrigues had been fully discovered, is a sufficient proof; and that another of his bench, who instigated King James to do all those things of which our author exclaimeth, was likewise a principal agent for the prince and them, is as conspicuous, and he hath now manifested it to the world, by his retreat thither upon the Revolution, his uncle's residence with the prince, and his own, and his friends boast of it. To these it is that our king principally oweth all his sufferings.

As to the "bold attempts of the king upon our laws, our religion, and properties," which our author makes the first and only cause of his sufferings, he means his declaration of indulgence, and dispensing with penal laws: But if we consider the ends which King James proposed in that affair, we cannot so deeply charge him with a mal-administration, that could make him forfeit his right to his crown. He had observed the causes of our late civil wars, the transplanting so many families out of England to Holland, America, and other places in his father's and brother's reign, to the loss of ours, and the increase of the Dutch trade, the sufferings of those of his own religion also in times past, ascribed by dissenters, and them solely, to the severity of the penal laws. He foresaw, by the attempt of the Duke of Monmouth, he must expect troubles, if dissenters were not more easy, and trade would sink, which he had set upon in his seriousest thoughts by all methods possible to improve, and could think of no better expedient to effect all those, than by granting liberty of conscience. He had before his eyes the infinite benefit the German empire had reaped by the treaty of Munster; by which, after a most destructive civil war, upon the score of religion, which had lasted almost an age, a peace was established by the most mature deliberations and councils of the greatest part of the Roman catholic and protestant princes of Europe; the cement of all which, was the toleration of religion, which ever since hath kept that vast empire in unity within itself: Such an harmony amongst his subjects the king hoped and wished to establish; and till it could be settled by law, endeavoured to attempt by prerogative; yet with all security to the church of England, without

any diminution of its rights and privileges, as established by law, excepting in that particular of exerting the penal laws; and no doubt such an harmony as the king only aimed at, that dissentions in religion might create no difference in allegiance, might have been then effected, as we find it now in the main; if we had considered our common interest, and had not been diverted by the deepest policies of Holland, and the unnatural ambition of their prince, so that the millions involved in blood and ruin have more reason to exclaim, and cry to Heaven for vengeance against the States and their prince, than against King James.

As to the injuries and violences our free nation did so long and so patiently endure under King James, they were not so much as flea-bitings, comparatively, to the rackings, tortures, fleaings, carnage, and losses it hath undergone since the Revolution: our unreasonable fears and jealousies then are now turned to real torments and miseries.

Our author saith, "When some stop was to be put to the final ruin of our liberties and religion, it was done at first by petitions and complaints." This was done like genuine sons of the church of England, who stood firm to the old and established doctrine of non-resistance, which even Dr Burnet at that time proclaimed from his pulpit in Holland, as the doctrine of our church; though at the same time he was as deeply engaged in contriving the change, as any one about the prince; and I doubt not, to serve his interest now, will press it as much as ever; though neither he, nor any of his persuasion, practised it under King James, longer than they were able to dispute pretensions with the sword.

That the foreign prince came only to cover the protestants of England, while grievances were fairly redressed, I know, was a cunning pretence in the prince's Declaration: However, even in that we find no solemn protestations that he designed no attempt upon the crown, which shews he had then some farther work than to see grievances redrest: And though he promised to send his troops back, yet there is not one syllable of his own return. From which, and many preceding and subsequent actions, 'tis rational to conceive that he and Sieur Benting had other projects in their heads, than any other of the confederates were to know, or the States-general, if we may believe what follows.

In the extract of the States-general's resolutions, dated Thursday the 28th of October, 1688, wherein they give the reasons why they granted to the Prince of Orange, for his assistance, some ships and militia, as auxiliaries, they say, "that his highness hath declared to their highnesses, that he resolved with God's grace and favour to go over into England, not with the least insight or intention to invade or subdue that kingdom, or to remove the king from the throne, much less to make himself master thereof, or to invert or prejudice the lawful succession, as also not to drive thence or persecute the Roman Catholicks, but only and solely to help that nation in re-establishing the laws and privileges that have been broken, as also in maintaining their religion and liberties. That a free and lawful parliament may be called: That the said parliament may deliberate upon and establish all such matters, as shall be judged necessary to secure the lords, the clergy, the gentry and people, that their rights, laws, and privileges, shall be no more violated or broken. That their high mightinesses hope and trust, that with God's blessing the repose and unity of that kingdom shall be re-established, and the same be thereby brought into a condition, to be able powerfully to concur to the common benefit of Christendom, and to the restoring of peace and tranquillity in Europe."

By this last clause, their true meaning was to confederate with them against France: for King James had redressed all or most of the grievances here complained of, before the States-general published these their resolutions, and determined to call a free parliament.

But to proceed. As to the prince's offering a treaty, if it had been before his coming

over, to have been transacted by the ambassadors of the States, and some envoy from himself, it had discovered more candour and ingenuity. But the States and the prince were so far from discovering any thing that way, that they denied, till their forces were ready to embark, that their preparations were designed against England. This treaty was not offered till long after the king had redressed most of the grievances this author complains of; as the restoring the bishops to his favour, the fellows of Magdalen college to their fellowships, corporation-charters, lord-lieutenants, deputy lieutenants, and justices of the peace, to their offices; nor after the prince was landed, till the king was retired to Whitehall, after the Prince of Denmark, Duke of Ormond, Grafton, Lord Churchill, and divers others had deserted him, and the princess was gone into the north, to countenance the forces there, so that the king knew not in whose fidelity to rely. Besides, it was very apparent that if the prince had only intended to cover our heads, while the grievances were fairly redressed, not to take away the king's rights, he would have stayed the march of his army at a convenient distance, that a treaty might have proceeded upon equal terms, whereas on the contrary he marched on Jehu-like, which was a manifest indication that he designed to attack his person. And the king being uncertain who to confide in at land, and his fleet having sent him no very acceptable address, it was high time for him to provide for his safety, both the laws of self-preservation, the care of his kingdoms and his posterity, requiring it, as now too late perceiving what he was unwilling to believe, that the prince designed to deprive him of his crown.

That our author might more slily insinuate, that the king abdicated the throne, he jumbles matters done at different times, that "during the continuance of the treaty he disbanded his army, dissolved the government, and, as much as in him lay, attempted to desert the throne, and seek aids from an enemy's country, which might secure him against redressing any grievances, and enabled him to be revenged on the complainers."

As for the disbanding the army, the king having no farther use of those he could not confide in for his defence, was not willing to expose such as were loyal to slaughter, or to have them seized on by their treacherous companions; so they being paid to the last muster, he dissolved them, and withdrew himself; and how, after his return from Feversham to Whitehall, the English guards were removed, and the Dutch set upon him, and after midnight a message sent to him to depart from Whitehall by nine of the clock next morning, in a most insolent manner, our author passes by in silence, lest he should give any grounds to his readers to interpret the king's escape to any enforcement on the prince's part, and that they might more glibly swallow the notion of the king's dissolving the government by a voluntary abdication, which even this author himself contradicts, when he saith he sought aid from an enemy's country, to enable him to be revenged, &c. But of this abdication I shall have an occasion to treat hereafter: And for his majesty's retreat to France, it was not before he found he was not safe in any part of his own realms, and to get to Denmark or Sweden was not possible, if he could have had time to have sent for a safe conduct: And I suppose no man could think the king so void of sense, as to trust himself, the queen and prince, in the hands of any of the princes confederate with the Prince of Orange; so that he had reason to have recourse to that great king, whose honour and generosity he could more certainly rely upon for protection than any other, upon the single account of that king's heroic soul, prompt to succour a prince so injured, and particularly by one that was his sworn enemy. I have thought fit to enlarge upon this head, because all King James's enemies make the king's retreat thither a specious pretence and argument of his early being embarked in his interest, which if he had, he would not have refused the offers of assistance from the King of France, to have prevented the descent of the prince. I shall now attend our author.

He goes on, "We did not make the throne vacant, but the late bishops and other

peers at Guildhall believed he had left it void, or else they would not without his consent have seized on the administration of the government, secured his chancellor, taken possession of the Tower, and offered the exercise of the supreme power to the Prince of Orange." To this I answer, that our laws own no interregnum. The officers of justice, magistrates, privy counsellors, &c. while the king lives, though he either be taken prisoner by an enemy, or by escape is forced to abscond, may and ought (as far as the enemy will give them leave) to perform the duty of their places, in preserving the peace, suppressing riotous assemblies, defending themselves and country from enemies, and administering justice. But that our laws allow any peers, privy counsellors, or others, to displace any governors of forts, imprison any minister of state, deprive any fellow-subject of their commission, much more to offer the exercise of the supreme power to any foreign prince invading, are things I suppose our laws have not allowed; so that I conceive, what those lords did, was rather out of awe of or affection to the prince, either to conciliate his favour, or yield it, knowing he expected that tender of the government, than any right they had to do it.

Our author proceeds, "The king left us in anarchy, and we provided for ourselves in the best manner such a juncture would allow." If the prince had not designed from the beginning to ravish the crown from his father-in-law's head, he would have given him pledges of his safety, and never have forced him to so precipitate a flight, nor industriously set the mob in such a ferment through the whole kingdom and Scotland, of the papists and Irish massacreing and burning towns and villages at such remote distances, in two or three nights, purposely to make an universal consternation, that every where he might be worshipped as their sole deliverer.

The author's declining to enquire, "whether these subjects who are so zealous for the king's return were not bound to have done more than they did, to keep him on his throne when he had it," implies they did not their duties; and if one may guess at his meaning, he thinks them cowards for it. But if most of those, who in that confusion knew not who to confide in, whereby they might make a stand to oppose the torrent, or by the over-awing power, or the confidence that the prince designed only the securing our religion, and no violation of the rights of the king: If, I say, on such considerations they acted as men either forced by fear, or relying on the prince's honour and justice, rather than proceeding according to the prescripts of laws, or the dictates of right reason, and these gentlemen having seen and seriously reflected on the fatal consequences of the Revolution, do now repent of their by-past actions, and with great zeal endeavour the king's restoration without bloodshed, and with him the recovery of peace and plenty and our ancient laws; surely, notwithstanding all the affrightments our author urgeth, they will prove true patriots to their country, gentlemen of far greater candour, justice and honour, than those who would still keep us under Dutch servitude, and under the national guilt of perjury, and continue us, and all Christendom, in a bloody, expensive, and ruinous war.

What follows in our author, is a doctrine only calculated for rebellious subjects, who are forced to make use of any pretext to palliate their wickedness: For sovereign hereditary princes cannot forego their right when they please, unless by a voluntary resignation to their next immediate heir, as Charles the Fifth and the Queen of Sweden did; but surely a king driven from his kingdom by force, may justly attempt to recover it again by force, when he hath opportunity, and that by the aid of foreigners joined with his own subjects, when he was expelled by such.

He saith, "Somebody must govern when the king will not, and that must be the next undoubted heir in an hereditary monarchy," all which I allow. But this is not our case; our king did not voluntarily quit his government, neither is the Prince of Orange his next undoubted heir; and he hath a very treacherous memory when he saith, "whoever doth govern in chief in this nation, must be king by the constitution;" for either

by constitution he must mean the uninterrupted hereditary succession, and then the Prince of Orange is no king by our constitution, or he must take in the original contract as a part of the constitution, and then our late commonwealth should have been dubbed King Rump, and the protector, King Oliver Long-nose.

"That a king, according to our constitution, must have power sufficient to protect himself and the nation against all their enemies, which cannot be without swearing allegiance," will be owned. But he will never find in our books of law or statutes, that a new constitution, framed by a convention, chosen by the writ of a foreigner, who had no legal right to issue out such writs, can oblige the subjects. For an error and illegality in the foundation can never be set to rights in the superstructure.

What our author next urgeth, "that when a king and queen are declared, submitted to, and owned by oaths, and all other methods required, in such cases the king is not at liberty to give up his own power and the protection of us, nor are the people free to join with him that deserted them," shows how fallaciously he argues by putting in the word *deserted*, which is begging the question. However he hath herein owned, that a lawful king can neither abdicate his right, or be abdicated, which utterly cuts the sinews of all his arguments for the king's leaving the throne vacant, unless he conclude the vacancy to be as often as the king ceaseth to sit on it.

We Englishmen are greatly obliged to our author for his instructing us in our duty of allegiance, when he tells us, "that the French king will not grant that the citizens of those cities, who were subject to Spain, or the emperor, and bound by oaths to those princes, (but have now submitted to him, and sworn new allegiance,) are obliged to venture their lives and fortunes, by virtue of their old oaths, to restore those cities to their former masters." It might have been expected from this writer, that the King of France, being so topping a tyrant, the Prince of Orange would not have treated us after those French methods of enforcing allegiance; but by the steps he already makes, if he lives to his years, and have proportionable success, no doubt he will make our monarchy more absolute than ever it has been since King John's time. However, our perfect Hobbist should have supposed the cases parallel; if we be a conquered people, (as without doubt he must own those cities are,) let his king declare it so, and we are willing to swear such like allegiance as they do: But I suppose it's not yet seasonable to do so, though some former writers on this subject have been squinting that way; which, if they would speak out, I presume our parliaments would reward them for it with a halter.

In the next place our author lays great stress "upon oaths, duty, and interest, both of this king, and his army, to oppose King James, if they be not perjured hypocrites." What then are they that formerly have sworn more legal oaths of allegiance to their true king, and broke them? Oh, they are saints! but "to consider what murders, burning, plundering, and destruction he brings upon his native country, who encourageth the aggressors." But he hath a heart of flint and bowels of stone, for all those who have suffered the like under this blessed government.

In the next place he would persuade us, "that our king is void of pity and compassion to his subjects, if he will not rather sit quietly under his single injuries, than wish, or however attempt, to be restored by blood and universal ruin; and if he have no pity for us, why should we be so concerned for him," &c. It is recorded of King Henry VI. by Hollingshead, that receiving at a time a blow from a wicked man, which compassed his death, he only said, "Forsooth, forsooth you do foully to smite a king anointed." So another also, who thrust him into the side with a sword, when he was prisoner in the Tower, was by him pardoned when he was restored to his state and kingdom.

These passages are recorded in history, to that unfortunate king's great praise, and after-ages no doubt will do the like to our king, in recording the many princely virtues

he is endowed with; and, amongst the rest, there are great and signal instances of his forgiving temper, and more of his compassion for his subjects' sufferings; and I think there is no prince, except his royal father, who hath suffered more injuries, with an invincible patience, than he hath done: and for his compassion to the suffering of his subjects, it is well known how he hath resented the death of those slain in battle, the loss of our merchant-ships, and that he refused to grant some privateers of France commissions, though they offered to bring him the prizes they should take for his subsistence; which are greater instances of his innate kindness and compassion for his subjects than ever we have heard of King William. And we have reason to ascribe the not destroying of our fleet two years since by the French admiral, (when it was as much in his power, by burning a great number of them after the defeat of Admiral Herbert, as it was in Admiral Russel's now to execute the same upon the French,) to the tender regard the king had to his subjects, that his navy might not be totally ruined. And, notwithstanding some people's ridiculing the king's late gracious declaration, which, whether it be his or not I am wholly ignorant, yet if it be not his own, it comes very near, in the indulgent part of it, to the king's blessed temper; and if it be his, it will remain to all ages a lasting monument of his mercy, forgiveness, and kindness to his people.

The king's going away whilst the treaty was on foot, is by our author trumped up again to usher in a notorious untruth, "that he never yet offered any" since; which his letter from Rochester, and that from St Germains, though the convention would not vouchsafe to read it, positively contradict. And persons of honour and quality, who knew the inclinations of his soul infinitely better than the author, well know he desires more to be restored by the invitation and affection of his people, than by the sword or a foreign force.

We are told next by this confident gentleman, "that we (that is, the prince and his foreigners, and English conspirators) did not force him to go away in disguise:" It seems there is no other violence used to a prince, which must be called force, unless a crew of ruffians come with cocked pistols, and drawn swords to his anti-chamber, and so force him, for fear of immediate death, to escape in disguise. His majesty's unsafe circumstances I have before declared, which will justify to the world the necessity of attempting his escape out of the hands of such bloody enemies.

Our author takes no notice of the great civility of the Prince of Orange in sending that seasonable message to the king after midnight, as I have touched before; or of the civility of removing the English guards, and placing his Dutch horse and foot in their room: This is no dragooning a king; but if that he attempt, with the assistance of his own subjects, and foreign aids, to recover his right, oh then, "we may and must oppose *him*, for our allegiance is transferred upon another." How unjustly soever it is, that concerns not our kind author to inform our judgments in.

We must have another dish now of our author's twice-boiled coleworts, "There is no injury done to any," he saith, "but to the king himself, and those who run into voluntary exile with him, by his being out of possession:" It seems the kingdoms have no concern for the well or ill faring of their king; his subjects have no part in him. Surely such a bold assertion should be backed with some reason, and it is as followeth, —"The monarchy, the law, the church, and property, are in better estate than in King James's time; and all those, with innumerable private persons, must be irreparably injuried by his return in a hostile manner." Sure this good gentleman thinks his authority is very great, that we should believe every word he writes without examination or scruples. We have indeed a Dutch elective monarchy instead of an hereditary English one, all the laws of the ancient constitution abrogated or wrested; and I think all sober men will judge that the new ones, made to supersede the old, are not yet of so long standing, as that a due comparison of betterness can be judged; the Long Par-

liament's ordinances and acts were as much magnified for a time. And as to the church, if renouncing its old doctrine of obedience in its canons and homilies, if the perjury of the greatest part of the clergy, and the depriving of the most reverend, orthodox, pious, and learned bishops and ministers, who could not take the new illegal oaths of their bishopricks and benefices, (not so much as allowing their wives and children a fifth, as the most unmerciful Long Parliament did to those they expelled,) be tokens of a better state of the church, we must yield him the argument. And as to our properties, while our estates are at the disposal of the government, to impose the most exorbitant taxes that ever this nation bore, though this gentleman never so confidently avers taxes to be no burthens, yet I am sure our fleeced country find the vast difference betwixt their present condition and the state they were in during the reign of King James, when they neither paid poll, aids, nor one penny taxes, (except one small imposition on tabaceo, &c.)

Next follows a most insolent answer to a charitable plea, "That he who was born to a kingdom really wants subsistence." To this he replies, "That if he would seek the peace of Christendom and of his late subjects, he might, by a fair treaty set on foot, not only restore the exiles, but have a sufficient and honourable maintenance from this government; but while the war he makes upon us puts us to so great expence, he cannot imagine we should give him a supply to enable him to ruin us." This flourish amounts to no more or less, than that if the king will by a treaty renounce his right to these kingdoms, as the King of Spain, after a tedious war, did his to the Seven Provinces, and make a resignation, and transfer his right, title, and interest to the Prince and Princess of Orange, he then should, during their pleasures, have food and raiment, and some pocket expences. But then he must make no war upon us; that is, he must oblige the King of France to put up his sword. *A pretty practicable condition! Sure King James's fortune is not yet so low as to beg an alms of his children, or sell his birthright for a mess of Dutch pottage.* As to the peace of Christendom, I shall treat of it hereafter.

I now come to the second motive, "Why we protestants should endeavour King James's restoration; viz. Because thereby we should deliver ourselves from the oppression we suffer under, by ease of taxes and restoring of trade."

I must here consider his answer more narrowly, and by parts, it consisting most in recrimination. "It is great pity," saith he, "that they who have the wit to invent or urge this plea, have not memory to remind them, that none complained more of the danger of law and religion of our lives and fortunes in that reign, than many who have this high opinion of it now. The cruel severities in the west, the high commissions, turning out of officers, all good protestants, attempting to reverse all the penal laws, putting unqualified men into all places of trust, profit, and power, excluding the fellows of Magdalen and putting in papists, with the imprisonment and trial of the bishops, were thought oppressions then, but now all these are buried in oblivion."

I shall not here undertake to vindicate King James's administration in all these particulars, because he was pleased to redress most of them before the Prince of Orange landed; which sufficiently demonstrates that he deserved not this severe treatment by abdication, or the continual loading him with such black crimes. For he is not the only prince in the world, who attempting some things in administration, which in their opinion, and the judgment of a considerable part of their subjects, might be conducible to some publick good; yet upon the essay, finding it not relished, or entertained by another part of the subjects, have recalled their declarations, and reinstated men and matters in the condition they found them. So Queen Eliz. revoked some grants of monopolies, as we find in Camden, fol. 635, which, at the first granting, had an appearance of common benefit. So King Charles the First redressed many of those reputed grievances of loans, benevolences, purveyors, coat and conduct money, &c. that

had been used in all his ancestors time, and as much in Queen Elizabeth's reign as any. And King Charles the Second recalled his indulgence. Indeed, these princes afforded these acts of grace upon the addresses of their parliaments; but King James did some of those before the lords spiritual and temporal, which he convened for advice, had moved them; and the rest he did at their desire. And it is not only princes, but parliaments, have retracted their own acts; and it is from the sense that the wisest men have, that what may be convenient for a people at one time may not at another, that parliaments make so many probationary acts.

Since, therefore, all the enemies of King James make these administrations of him the popular topicks of all their calumnies, I will endeavour to set the grounds of them in a perspicuous light, and then hope the candid and ingenuous part of the nation will find they did not flow from any tyrannical principle, or design to break in upon our laws, or destroy the church of England, or invade the liberties and properties of his subjects; but that they all flowed from his desire to establish a liberty of conscience, for the common good of his people: Which not only being suspected by the church of England to tend, at least to the weakening of it and the protestant religion, but being like to prove of the last ill consequence to the Dutch, who have got all their wealth and riches in trade by it, it was not to be wondered that the Dutch studied all the subtlest ways they could to possess us here with a belief, that the ultimate end of this liberty was only to propagate his own religion.

I shall begin with the charge as it lies: And his majesty's cruel severities in the west leads the van. It is well known what disturbance that duke gave to King Charles II., how he was made the Prince of Orange's and the dissenters' tool: And it is as well known how he was caressed at the Hague, and secretly furnished with all things requisite for his invasion, and what endeavours were used there and here to make him a strong party. But every one knows not that which a confidant of the prince's can prove, that the plot was laid to shake King James before he was settled in the throne, and to try the inclinations of the protestants, how they would stick to and defend a Roman catholick king; but without any intention that the Duke of Monmouth should succeed. Therefore, when it was seen that his forces encreased, three regiments then in the Dutch pay, which had been sent for before, were permitted to come over so late: And the prince knowing that if the duke once took the title of king, he would lessen his interest, therefore he obliged Mr Ferguson for a sum promised, and in hand, to put him upon declaring himself king; which advice he followed to his ruin.' As to the severities in the west, our author means the trial, condemnation, and execution of the rebels, which was done according to the prescript of the laws. But although the king had reason, for terror-sake, upon so dangerous a rebellion, to execute the rigour of the law, yet lest the then Lord Chief Justice Jefferies might be too severe, he sent Mr Pollexfen, a known favourer of all dissenters, as his solicitor to temper the late lord chancellor's heat: And it is well known that the king's pardons saved some thousands of criminals who were guilty of treason, and thereby obnoxious to the sentence of death and forfeitures of estates. And to prevent any such future attempts, the king was farther persuaded of the advantage that would accrue to him and his subjects by the indulgence, of which I shall discourse hereafter. And thus much I hope may suffice as to the severities in the west.

As to the high commission, it was at first enacted by Queen Elizabeth, and founded upon the very law which established the king's supremacy in ecclesiastical matters; which I suppose none at least of our church will dispute. The corporal punishments

[*] It is certain that Monmouth ascribed his taking upon himself the title of King to the incendiary Ferguson; and it is equally remarkable, that when Ferguson was made prisoner, his life was spared, notwithstanding the severities exercised upon Monmouth's followers indiscriminately.

imposed upon offenders in King Charles the First's reign, occasioned it to be insisted upon by the Long Parliament as a grievance; so that as to some of the powers formerly granted by this commission, a retrenchment was made in his time, but with a salvo to the king's supremacy; and the commission King James granted did not extend to any thing that was repealed in the act of King Charles. And the sentence that passed against the Bishop of London was not without a full hearing of his council of advocates and common lawyers, and was passed by the noblemen and bishops of the church of England; the survivors of which are conformable to the present government. And if we consider how active that bishop hath been since to promote the interest of the Prince of Orange, in dethroning the king, the punishment (which was only the suspending him from his spiritual jurisdiction, and putting it into the hands of three bishops, without depriving him of one penny of the revenue,) cannot be adjudged to exceed his crime.

The next three particulars, of "turning out of office all good protestants, attempting to reverse all penal laws, and put unqualified men into all places of trust, profit, and power," may be considered together; two of them, viz. the first and the last, being but the consequences of the attempt upon the penal laws. But before I enter upon that subject, I must observe that our author, by his word *all*, would make the world believe there was never a good protestant during King James's reign that was not turned out, nor ever a qualified man substituted; whereas we, that lived here whilst this gentleman was perhaps plotting here or in Holland, know the assertion to be egregiously false; and where the change was greatest, if it amounted to a third or fourth part, it was the most. I am sure, however unpolitickly it was done, there is no law extant that deprives the king, of what religion soever he is, to place or displace his officers of state, civil or military, yea judges themselves: And I suppose he will not deny but very good protestants have been displaced under this government, and the supreme command of the armies in England and Ireland put into the hands of foreigners, the English being slighted, and the test-act as little regarded, as if it were dispensed with.

As to the breach of any law, though this author generally, through his whole tract, charges the king with subverting the laws, yet neither he, nor any of the king's most violent enemies, can instance in any, except his attempts, as he calls them, of reversing the penal laws; and at the most it was but an attempt, the grounds of which are abundantly explained and enforced in his declaration for indulgence; which I do not remember that either in this reign, or since, when they might freely have done it, any have attempted to disprove particularly. Besides what I have before laid down upon this head, give me leave a little further to enlarge, since this dispensing, and the consequences of it, are the only things which have raised all the clamours against the king; for, I believe, by reason of the difference of religion, and the designs of the states and the Prince of Orange, although the king had never done any thing in that particular, but had caressed the church of England in the highest degree, yet storms had been raised against him by dissenters, and others of the Shaftsburian faction.

It is not doubted but the king, being of too heroick a temper to dissemble his religion, or suffer those of it to be persecuted in his reign, revolved in his royal mind by what methods he might govern a divided people, so imbittered one against the other in point of religion. He likewise judged it his interest to make his people rich by peace and traffick; so that if he could conciliate an harmony in his people's minds, by rooting up the seeds of discord, rancour, faction, and rebellion, he should accomplish a glorious work for the publick benefit of his people. This he foresaw could not be effected by espousing the interest of any one party, his royal office being to be a father of his people; therefore he resolved upon one expedient, which he judged most agreeable to extensive Christian charity, his own merciful inclinations, and the effecting of those things which, after so long a civil war, and the convulsions of his royal brother's and his own

reign, by the attempts of the Duke of Monmouth, were requisite to settle the ferments of all parties, and that was by suspending the execution of the penal laws. This he thought would not be ungrateful to his protestant subjects, at a time when the French king was persecuting his subjects for their religion; so he rationally concluded it would prevent his subjects from removing themselves and their families into Holland, Germany, or America, as many had done in the former reigns, to avoid the severities of penal laws: and that it would encourage the French refugees to flock hither; it being a maxim in all government, That the increase of the number of people increaseth the wealth and strength of a country. His liberality to these French was a sufficient demonstration that at that time he had not any design to extirpate the protestant religion by a method so disadvantageous, in the increasing the number of those who exceeded much the number of all his Roman catholic subjects put together. He gave not only protection to these, but other immunities; and by a very liberal contribution throughout his kingdom, provided for their subsistence. Of these good thoughts and actions our author never takes notice.

The prerogative of the king to dispense with the penal laws was argued legally in the King's Bench, and sentence past judicially for the king; yet we find none of those judges either sentenced by the late convention, or the succeeding parliaments: A manifest indication that the sentence was not illegal. And for a further demonstration of it, the dispensing power is exercised in this government, not only in the non-inflicting the penal laws upon dissenters and Roman catholicks, and rendering the test-act obsolete, but in the dispensing with all the acts of navigation,—a matter of more infinite damage to the whole trading part of the nation, than King James's declaration was to the officers of the spiritual court, who were the only losers by it.

However, in the king's indulgence, a special proviso was made for the preserving the rights of the church of England; which is again renewed in the king's declaration in these words:—

"And we do hereby further declare and promise, That we will protect the church of England, as it is now by law established, in all their rights, privileges, and possessions; and that upon all vacancies of bishopricks, and other dignities and benefices within our disposal, care shall be taken to fill them with the most worthy of their communion." Sure the Prince of Orange hath not given the like security to our brethren of Scotland; where he hath, on the contrary, utterly extirpated the episcopal government, which he found there settled by law; which shews some may better steal an horse, than others look over the hedge. Besides we shall find in our author hereafter, that the Prince of Orange is justified in his countenancing a toleration. Where, therefore, is the damage that the protestant religion or England did, or was likely to sustain by the toleration? Indeed the Dutch had reason to apprehend the ill consequences of it to them, because it might have drained them of their people, as well as diminished their trade. Hence it was that all their contrivances of ruining the king's designs, and wresting the sceptre from him, originally proceeded.

It is true the king resented it very much, that his protestant subjects in general, or the church of England in particular, should entertain such jealousies of this his design for the common good and enriching of the nation, and should so vehemently oppose it. Hence it was, and for no other cause, nor without reluctancy in his princely mind, that he removed the violentest of the protestants, who had given publick declarations of their dissatisfaction, and that in parliament, in their offices and places in the government, they would oppose it; so that it is no wonder that a king, being baulked in a darling design of his soul, and from which he had conceived great hopes of making all his dominions happy and rich, grew impatient thereupon; and thence it was that other protestants, and some papists, were substituted in their places, as being better satisfied with the benefits would accrue, and the integrity of his intentions.

The dissenters universally, by their infinite addresses, with all imaginable gratitude and thanks, acknowledged the superlative favour of this indulgence; and openly avowed, that if they could have been satisfied that the king would have shewed such clemency to them, they had never opposed his succession, nor assisted the Duke of Monmouth as they did. And they were so dexterous in applying themselves to the Roman catholics, (with whom, by this time, the eminentest members of the church of England were much dissatisfied, partly out of care to preserve it against the attempts of them and dissenters, and partly out of apprehension, that their unpolitick zeal would tend to the ruin of the king,) that they made a very specious shew, that for the future they would equal, if not exceed, the most complying of his subjects, in concurring with him to take away the penal laws. Hence grew the heats and animosities betwixt the church of England and dissenters, which occasioned all the unpleasing proceedings of the king, which are now so prodigiously aggravated; and which the king himself, by his retraction of them, with men of candour and ingenuity, might have atoned for at a lesser rate than dethroning.

I know it was then urged, that King James had a farther reach by this toleration, even to establish his own religion upon the ruin of the church of England. But we experimentally found, that the opening of popish chapels and schools, the publick appearing of some Benedictines in their habits at Whitehall, made no new converts. The pomp and ceremonies of the church of Rome were only gazed on, as we would do if the Turks, Tartars, or Chinese, were in their habits, to celebrate the offices of their religion. Our churches were more crowded and resorted to than ever they were before or since, so that there was no increase of popery by the publick exercises of that religion, or the liberty of printing books in the defence of the doctrine of it.

If the king's design had been to extirpate the protestant religion and the church of England, he would have taken more subtle and effective methods, and have made an effectualler use of his dispensing with the test-act, and have entertained a much greater number of papists into his army; whereas, before the landing of the Prince of Orange, he had scarce one popish officer for thirty or forty protestants; and in some entire regiments there were not twenty common soldiers of that persuasion. So that neither from his army or his priests we were in danger during his reign, to have suffered any subversion of our religion; nor was there any more solid reason of apprehending it than of massacres, bridles, gridirons, and other fictitious stories, raised purposely to scare people out of their reason and loyalty.

It is further to be considered, that those very men who, as it now appears, designed nothing less than the king's ruin; even one or more of his prime ministers of state, promoted and pushed forward all those, the so disgusted proceedings against the church of England; and with all industry advised and importuned the countenancing and placing in the magistracy, dissenters, on purpose to bring the king into disrespect with the church of England, whereby they might, with more facility, bring about the Revolution.

As to the business of Magdalen college, I need say the less of it, because as much hath been formerly published on that subject as the cause will bear; and the contest about it was not concerning the king's power in dispensing with laws, but only with college-statutes: A matter ever practised by the kings of England. And it is most certain, from the king's own mouth, that if the fellows had suspended their election till the qualifications of Mr Farmer had been examined, there had been no such dissolving of the society as followed. On the king's part it was no less than vindicating the rights of the crown, in his prerogative of dispensing with college statutes: And if some men's forward and impolitic zeal had not been such, as to recommend to the king a person obnoxious for his unqualifications, and others had not purposely encouraged the fellows, and underhand supplied them to carry the opposition to the highest, mat-

ters might have been dutifully composed. But the designers of the Revolution, knowing that a conquest of this nature would discover the strength and courage of the church against the king; and if he were foiled in this, it would be a very good omen of their success in their intended work; and if the king proceeded in it to severity, he would lose the affection of the university as he had of the church: Hereupon they set all their instruments at work to blow the coals on both sides, lest the fire should go out. And as to the placing of Bishop Gifford as president, and Roman catholic fellows, that must be looked upon as the most unpolitic act of any the king did, by the over-persuasion of some popish councils; though it is most certain there wanted not then some persons, and such as would be very angry if they had not the character of members of the church of England, and are now actually in considerable offices in this government, who highly applauded the king for it; affirming it was fit the king should have some college in either university for instructing and educating the students of his religion, to prevent their going to foreign universities; and that we might better understand their methods of study and discipline, wherein they have a compendiouser way of teaching arts and sciences. But however the matter was brought to extremity, yet the king dissolved that society, and restored again the fellows before the prince's invasion.

As to the reverend bishops, whom the king committed to the Tower, I have that due respect to the fathers of the church, that I would willingly cast a veil over that action: But when I consider that our author, and especially the penman of "A Letter to a Friend concerning a French Invasion,"[1] so vehemently urge their opposing the king in the indulgence, as a matter wherein they much advanced the Prince of Orange's interest; and the latter author saith, "That when it was certainly known that the Prince of Orange was ready to land, they seemed as well pleased with it as other men, and refused, when they were pressed to it by the king, to declare their abhorrence of it; but instead of that, took upon them to give him advice, and to publish it when they had done. In which advice they commended almost every particular of the prince's declaration, complaining of the same abuses, and advised the calling of a parliament to redress them; as if the prince's Declaration and their advice had been drawn by the same pen, and the advice had been published on purpose to second the Declaration:"—I say when I consider such reflections, now made upon their actions, I cannot but allow, that upon the suggestions of a leading nobleman in the king's council,[2] who hath since discovered for what end he did it, the king might have some impressions, that the refusing to read his Declaration, had more of design than conscience in it; though he is now, by the later actions of all of them (except one) satisfied to the contrary. As to the matter itself it is well known, that they were only required to enter into a small recognizance for their appearing and answering to the information should be exhibited against them at the King's-Bench, which they refused to do; and so unwilling the king was to have committed them, that he ordered the lord chancellor and lord chief justice to lay the point of law before them; and they were twice or thrice desired to withdraw, and consider of the arguments proposed. But one of their number, privy to other designs than I have the charity to believe any of the rest knew of, hindered all compliance. From the Tower they were removed by *habeas corpus*, and had a fair trial and were acquitted, and afterwards again restored to the king's favour; and their advices followed, in retracting most of those things the king had done contrary to their advice, though in some things, as the restoring corporations, charters, &c. the king had prevented their advice.

In all this, the king had deprived none of them of any part of their revenue: But however instrumental these two authors would make them towards the Revolution, yet, because they cannot transfer their allegiance from their lawful king to the Prince

[1] By Dr Lloyd. [2] Lord Sunderland.

of Orange, we find how severely this government acts against them; and the non-swearing clergy; whereas the Long Parliament allowed a fifth part, as I have before-mentioned. All the bishops and clergy that are now ejected have not the allowance of one farthing out of their livings; so much severer is a Dutch government than the English, though the very rebels of our own country. And yet this severest punishment may not be mentioned as any grievance of this government, when inflicted on reverend, pious, and learned bishops and clergymen, for no other crime than resolutely and conscientiously adhering to the fundamental laws of the English monarchy, and the undoubted doctrine and canons of the church of England.

I have been something larger upon these heads, because they are the constant topics which the virulent enemies of King James make use of to vindicate their abdication of him, and the author of the Reflections upon the King's Declaration complains, that "things are not there taken from the beginning."

Having dispatched these matters, I shall proceed to consider what our author next offers: "Now," saith he, "all these are buried in oblivion. And those taxes which the late king and his allies of France, with their abettors, alone make necessary to this frugal prince, these are our only grievance, and this king's unpardonable crime." I wish it could be said, that taxes are our only grievance. However, he can never prove that if King James had still been on his throne the country had been burthened with the hundredth penny; and he may well call his prince frugal, that not only saves his own treasure untouched, but must have vastly encreased it by the many millions he hath spunged from us; otherwise he could not owe such arrears to his army, nor ever make one round payment, either to them, or for any other occasion, but he must borrow it from the city, having begun that piece of frugality within one month after he got the administration, and is like to continue it as long as he lives, and die in their debt. But however frugal he is of his own money, he is liberal enough to his Hollanders and confederates, though at our charge.

"But the late king," saith he, "had one tax, and might, yea would have had more, for the glorious design of enslaving his subjects, if he could have got a parliament to his purpose." Oh! happy change for England, where the prince hath got such complying parliaments, that he hath money given him as much as he will ask, without the least danger of their denial, though he refuses to gratify them with any one act that is for the puble good of the nation!

But in King James's time we were in peace with all nations. I pray, who hath entangled us in a war with the worst enemy of Europe? I am sure it was not till the Prince of Orange proclaimed it, for his own safety, not ours; but at the expence of our blood and treasure, to defend the Dutch and their and his new conquests, though we paid 600,000*l.* imprest money, and about twenty millions since, to enable him to continue it.

"Yet still," saith my author, "what grievances are taxes, in comparison of what is laid on the French slaves, into whose condition we are intended to be brought? There is a vast difference betwixt losing our property, and paying some part of our profits to secure the rest of our inheritances to our posterity, as well as to ourselves." We have more than once, in most writers of this gentleman's kidney, the French slavery urged, and the design of King James to make us such. Sure the French are the stupidest and most miserable of mortals, to be such slaves, and never own it, or complain of it. During all the war, they pay no more than their accustomed yearly cesses, and notwithstanding the great noise we have had, that the king is put to such straits, that he is forced to melt down his own, and cause his subjects to bring in their plate to melt, that he may have the profit of the coinage, yet a common cabaret, like our small victualing-houses, have massy silver spoons and forks for their guests, and silver goblets and other drinking cups of that metal. And their inns of any note serve the best of

their guests in plate. And in a lodging you may rent for fifteen pounds a year, you shall have silver basons, plates, spoons, forks and knives, for your daily use. These are no signs of poverty, and as for the slavery of the country, gentlemen and metropolitan cities pay no taxes; they have no such tenants and farmers as we: The peasants till and stock the ground, and the lord hath the half in specie for his rent, and these are liable to standing taxes, in some countries heavier than others, according as they have been true or rebellious to their princes. Surely a tenant that divides half with his landlord cannot want food or raiment, and may have more at the year's end, than one that pays a rack-rent; so that the affrightment of losing our property for ever, is likelier to befall us, by an endless war, and slavery to the Dutch, than by the restoration of King James, which would soon give us a fair prospect of an happy ending them.

"As to his leaping out of the frying-pan into the fire, and changing our whips into scorpions," it is unusual for him to allow we are in this reign under any pressures; it is likely his condition is much better in honours and profits. But as to what he intermixeth, that to avoid tolerable payments, "we should rashly bring a fatal war to our doors, that must last till more than one half of the nation is destroyed, and the rest utterly and almost irrecoverably destroyed." All these terrible things may be easily avoided, if, according to our duty and interest, we make no opposition to our lawful king; then we need not fear the loss of any thing we have, nor the effusion of one drop of blood. And if his stay should be till the confederacy were dissolved, which without either astrology or divination cannot last twelve months, we shall be as ready to welcome our king again, as ever the children of Israel were to re-conduct King David, after the overthrow of unnatural Absolom.

But our author tells us, "we have paid as much formerly for assisting France against Europe," &c. Surely he never saw the foot of the accounts of the money given: 1,300,000*l.* was in the year 1674 thought a prodigious sum, to maintain the fleet and army one year and half, whereas now, although the extent of the confederates dominions be ten times as much as our island and Ireland, yet we pay three time as much in eighteen months.

But we must take our author's word, "that the sums are not considerable (reckoning the abatement of chimney-money) which we have paid to this government; no country in Europe have paid so little in proportion to our wealth this three last years of war." As to the abatement of chimney-money, it was a shoe-horn, a popular bate to angle for infinite more treasury: The Grecians have a proverb, "the gifts of enemies are no gifts." We were in danger this last sessions of a general excise *a la mode d'Hollande*, and some projects were for a quarterly chimney-money; but these are laid up in lavender for a fresh supply.

That which will be most insupportable in this good man's opinion, is, "that if King James return, England must pay all the money borrowed of France hitherto; and to discharge the forces that come to thrust him on us, the arrears of chimney-money, and other public money, be called for; and ten times greater taxes will be continued for many years." These and such like were the usual objections against the restoring King Charles II. yet we found no such prodigious sum needful, after twelve years exile. But our author thinks the King of France will be as greedy as the unsatiable Dutch, who made us pay six hundred thousand pounds for admittance into the confederacy, besides the millions paid since for the honour of fighting their quarrel. And our soldiers must at the best be content with bare subsistence, that the confederates may be thoroughly supplied. Whereas the French king wants not our money, and is more generous than to be mercenary, since the restoring so injured a king, will more redound to his glory, than any one of his great atchievements hitherto. We shall also then know an end our of payments, and enjoy peace and freedom of trade for the future, which will make entire satisfaction for all our charge. Whereas, in the state we are in, we are not

like to extricate ourselves from a destructive and expensive war, as long as the confederates can assist the prince; for his pretensions only hinder the peace of Christendom.

That "trade began to decay in King James's time" I never heard of, unless it were in those months when the Dutch occasioned it, by sending the Duke of Monmouth and the prince, otherwise there was more traffick in one year of King James's than in all the time of the new regency. And that which is most to be considered, the Dutch having been always our rivals in trade, now that they have got such an ascendant over us, will never, while they are able, suffer us to enjoy it again. I could, upon this head, multiply many well-grounded aggravations of our losses in trade since the revolution, but this good man would charge them all on the king's account, and brand me with the name of Conjurer, or of a Jesuit, or their tool, if I should, for any one good thing, magnify his reign.

As to the ingenious History of Dr King, which our author more than once flourisheth with, in due time the disingenuity, falsehood, and malice of that history will be detected. However, our author could scarcely have pitched on any parts of it, wherein such palpable untruths are asserted as those he cites, and this in particular, that "King James in Ireland feared and hated the increase of trade, which made him use all means to hinder it."

Finding our author grounds his assertion on Dr King's authority, I shall give you what he advanceth on the subject. "Many a Roman catholic," saith he, "who pretended to know King James's mind, have confidently affirmed that he purposely let the ships of England decay and rot, (he means the ships of war,) that the French might grow great at sea, and destroy the trade of the English. The reason pretended for doing so, was to humble the subjects, and take away their wealth from them, which made them proud and surly, so that the king could not have his will of them. I speak," saith he, "the language of those Roman catholics, and the king himself could not forbear words to the same purpose." If this gentleman had consulted the book which Mr Pepys published, of the state of the fleet under King James, he would, to his shame and confusion, have found that King James, in the short time of his reign here, did more towards the repair of his ships of war, and providing all naval stores, than any two kings of England had done in their times. So that I hope, when an author lays the stress of his argument upon so palpable an untruth, little credit ought to be given either to the rest of his reasoning, or his whole book.

The thing in this section the doctor undertakes to prove, is that King James designed the ruin of trade in all his kingdoms, at least was well pleased with it: But as if he had a design to prevaricate in the whole, or that we must take his assertion on trust, the medium he useth to prove it by is only this, that formerly the protestants had the principal, if not the sole trade of the nation; but by their flying into England, out of the apprehension of the danger of a massacre, how well grounded I now enquire not, and their jealousy of a persecution, they declined, or left off their trade in great measure: Surely this looks not like a design of King James to ruin trade. And besides the general cause, by reason of the war, he unluckily hits but on a single instance of a magistrate of Galloway, who, contrary to law, sending wool into France, was not punished for it; whereas any one, who was not wilfully resolved to traduce King James, and publish all the evil he could of his administration, without any regard to truth or falsehood, would have judged this an argument, that the king was willing in that exigence that his subjects should traffick in what they could get vent for, rather than be prohibited by him.

Besides, I am informed from persons of better credit than the doctor hath rendered himself of, and from Dr Gorge's letter, that the king was so far from designing the ruin of trade, that considering, by reason of the war, his subjects there could not, with-

out hazard and loss, export their commodities of the product of the country, he himself bought their hides, tallow, and wool, for ready money, and sent them to France, and brought other commodities back. And the brass money he used was a great help to the quicker circulation of commerce; and even the sutlers, who received it of the soldiers, might once a month have gold for what they brought in. I hope by these small instances, and what will hereafter be related, as to King James's administration in Ireland, such readers as have been induced to believe hard things of his management, will pause a while till the doctor's book have a more full answer, before they totally yield themselves to be mancipated by the doctor's bold and malicious assertions.

For, notwithstanding what the confident insincere doctor writes, it is on the contrary most evidently known, that the king promoted traffick as much as possible for him in his circumstances; and that it might be the more free, he abated the customs of commodities imported and exported, which was a demonstration that he encouraged trade for the benefit of his subjects, without regard to his own particular profit, though at that time his wants were so pressing. He caused the commodities of the country, which could be spared, to be vended to France, in exchange for bay-salt, wine, brandy, and other necessaries. I have enquired of intelligent persons who lived then in Ireland, and cannot understand that he prohibited traffick into any other country; no, not to his enemies, where any useful commodity could be imported. And for the author's assertion, that "no absolute prince (as King James affects to be) likes that his subjects should grow rich by trade," it is neither true in general, nor as applied to the king; but, on the contrary, since he hath, both before and since he came to the crown, so far promoted trade, that he had a stock going in most of the considerable companies, it is a sufficient proof, according to our author's maxim, that he affects not to be absolute.

But if we believe our author, we have "a prince now, who, so soon as he can have peace, will make it his first care to promote trade here, as he did in the country he came from." No, he is too much a Dutchman to do that for us; we have seen no one act of his, or his parliament's, that way; otherwise more care would have been taken to have provided convoys, as the Dutch have done for theirs, or to have promoted the motion in parliament for encouraging privateers, which was no way pursued: Only he hath taken care that the act of navigation should be vacated, or dispensed with: And his playing fast and loose with the East India Company, to their vast expence, shews that he is solely in the interest of the States, to give up to the Dutch that whole trade they have so long, by treachery and cruelty, been attempting.

What follows is but nauseous repetitions of what hath been already abundantly confuted. And as to the dismal time of King James, "when law and right was only the king's pleasure, dictated by mercenary judges," there needs no other confutation but by inspecting the journals of the House of Lords; wherein will be found few appeals in matters adjudged in the reign of King James; but more since the Revolution, from the decrees of the lords commissioners, than in the whole reign of the longest lived of our kings. And I think the proceedings against Mr Ashton, Mr Cross, and the poor chairman, and the judges using all their arts to elude the *habeas corpus* bill, and their several fines; as for instance, two hundred pound and pillory for drinking King James's health; their retracting their own judgments in the case of the wagers about Limerick, and their violent and arbitrary proceedings in the case of some lords, and others, wherein all those called Jacobites are concerned, will, with impartial judgments, redound little to their commendation, either for their law or justice. And I am sure whoever acts not upon those principles, but to serve a turn only, must bear the epithet of mercenary in the greatest degree.

As to King James's "learning French methods, and his return with the addition that revenge, hatred, and fear can make to an angry and implacable mind," these are the very scare-crows that the Black Parliament and Cromwell set up to affright us from

all inclinations of recalling King Charles. And as the grounds the people of power in that age alledged for murdering the blessed martyr, and excluding his posterity, were the very same in the general tendency of them, so, as they imitate the same precedents, they use the same arguments; and if it were worth the while, it might be shewn in the same words, for the obstructing our king's return, that those did then. But if we were once so happy as to see our king restored, his clemency, tenderness, honour, and mercy would soon so appear, that there would need no other confutation of these black calumnies. And that he hath not changed with his air, that indulgent, merciful soul, always conspicuous in him, is sufficiently manifest in all his royal actions; whereas neither the air of England, the honour, benefit, and riches the Prince of Orange hath got by it, hath rendered him more English than ever he was, being wholly and entirely Dutch in soul and body.

As to his majesty's "severity in Ireland to the protestants," when the answer to Doctor King's malicious book comes forth, the world will find that by personal command, proclamation, and all methods he could use, the king endeavoured to suppress that revengeful disposition in common there betwixt the old Irish and the English; insomuch as the Irish accuse the king as much for, and ascribe his losses solely to, his clemency to his treacherous protestant subjects, as our author does his severity. And though his circumstances were then such as he could not be informed of many things of that kind done, and the treachery of so many of his protestant subjects there being so often discovered, (of which number I suppose the doctor was one, who hath been rewarded with a bishoprick for it,) could not but give occasion sometimes to suitable returns by his ministers: Yet it is owned by very many protestants there, that he took all opportunities to discover his mercy and goodness to those which had not deserved it at his hands.

As to the popular harangue the author makes about the distrust of King James's "keeping his word, promise, or oaths, whereby he was engaged to rule by law," the grounds of all objections of that kind, resting solely upon his attempt to take off the penal laws, I must refer to what I have said on that head. The just temper of his royal soul, and his interest, are such strong obligations upon him, that as to all our laws that concern our liberty and property, and the ancient constitution of the government, which can never countenance arbitrariness, they will be sufficient guarantees for dutiful subjects to rely upon his governing according to law; and so he will neither have, nor need, any recourse to absolution. But upon a small enquiry it may be found, that he much more inviolably hath observed all the forementioned fundamental laws than the Prince of Orange hath either done them, or his declaration. Indeed the Dutch faith is as notoriously known all the world over, as the Punick or the African was of old. And, I think, if ever subjects had reason to forbear recriminating upon the head of breach of oaths and promises, our author and all engaged in this government have the least reason of all mankind, for they have the most openly and avowedly broken their oaths of allegiance that ever people did; and if they had any pangs of conscience for it, they would repent speedily and seriously such abominable perjury. But I shall add no more on this head, but pass to the third motive laid down by our author.

Which is, that the restoration of King James "is necessary for the settling the government upon its old basis, and to prevent its relapsing into a commonwealth." I do believe the ambition of the Prince of Orange, being master-ingredient of his soul, will possess him to his dying day; so that having by his arts obtained the possession of a crown, I doubt not but he will endeavour to keep it as long as he is able. Neither make I any scruple, but that if for our farther punishment he be continued any while upon this throne, he will attempt the greatest absoluteness that any prince can aspire to; which already may be discovered in his treatments to his parliaments, whom, as the Romans did with kings, he makes instruments of our slavery, in spunging all the money of the

nation for him, and settling his power, never giving them leave to provide any one law of universal good for the benefit of the commonwealth.

So that our author might have spared all the discourse relating to the returning again to a commonwealth, during the prince's power. But as to what he urgeth, that it is not "likely a parliament, that made an entail of the crown in a lineal succession, should be for a commonwealth," yet he must own, that the convention hath given a fair countenance to the fundamental principles of a commonwealth in their vote, "that the late King James, having, by the advice of jesuits, and other wicked men, broken the original contract betwixt king and people, and endeavoured to subvert the fundamental laws of the realm, and since withdrawn himself, hath abdicated the government," &c. Whoever peruseth the charge against King Charles I. will find the very same breach of the original contract, and subverting the fundamental laws, to be the ground-work of that tyrannical charge, and wicked sentence against and barbarous murder of that pious king.

The only difference between the proceedings in 1648 and 1688 was, that those settled a commonwealth, and these changed the hereditary to an elective monarchy; both of them to the manifest subverting of the true fundamental laws of the kingdom, upon mere pretences that the respective kings had violated them first; and both against the known maxims of the law, that the king can do no wrong, and cannot be judged by his people; though all his ministers, that transgress the law, are liable to impeachment in parliament.

What security can a new entail give to kings, either in possession, or the tail in remainder, as long as by these precedents any powerful faction, alledging the breach of such contract or laws, are hereby empowered to pass sentence against them? for surely that force which can depose, or abdicate from his throne one king, and exclude his issue male likewise, and settle the crown upon which of the blood-royal is most ambitious of it, may, by parity of reason, depose the new-created king when they are weary of him.

His instancing, "that there hath been greater breaches, since the Conquest, as to the true lineal succession," may prove that there have been ambitious princes in former ages, but proves no justice or right in the undertaking: And he wisely conceals the calamities of the nobility, gentry, and commons, and the whole kingdom, which attended such changes, till the right heir was restored.

Our author saith, "the king having deserted us, yea, left us, without government, we applied to his next certain heir; with whom, at her request, and for our safety and her's, by a general consent, a title was given to her husband and our deliverer, but this only for life. And the saving the succession to the Princess of Denmark and her heirs, shews how far that parliament was from designing any such thing as a commonwealth." Most people of England had that opinion of the princess's tenderness to her father, that they judged it was not without some reluctance she yielded to forsake father and mother, and cleave to her husband: And she being absent in Holland, was thought with much difficulty to be prevailed with to come and be partner of his honours. For none doubted it was for our deliverance sake the crown was bestowed by those who had no legal right to transfer any man's farm of five marks a year to another without the owner's consent; and we thought he had challenged it as his right by the success of his arms: For I am sure there was no public address from the convention to the princess before her arrival, and that was only that minute of the tender, the very next morning after her coming.

But now we are told it was at the princess's request the crown was given him. Our author might as well have dealt plainly, and told us the prince came for the crown, and we durst not deny it, nor his princess neither, for if this age will not, posterity will so construe it. He also equivocates with us in telling us, "we continue the success

sion to the next heir," for that can never be true till he shall utterly disprove the Prince of Wales.

Whatever power the convention could assume to deprive the king and the Prince of Wales of their birth-right, so as that they might be looked upon as dead, yet if the convention had either regarded the rules of hereditary monarchy, or been just to the two sisters, they ought not to have entailed it as they did, for the prince could have no right to any but a matrimonial crown during the coverture, upon supposal the princess was the next certain heir, and upon her death, without issue, the right was immediately to devolve upon the Princess of Denmark, who surely had not so ill deserved either of the prince or the convention, (having with her husband contributed as much towards the dethroning her father, by the deserting him and his interest, as the prince had done by his arms,) to have been postponed. And till the death of both these princesses and their heirs, the prince had no shadow of right to the crown; but he and the convention knew, that if he had staid so long ere he caught the crown, he must wear iron shoes, therefore he was resolved to take time by the fore-lock.

As to the Prince of Wales, our bold author saith, "there are clear indications of his birth being an imposture, and the design of forming that project is so known to be revenge on the princesses for adhering to their religion, and to get more time to force popery and slavery upon us; yea, his health and strength make it so unlikely he should proceed from such crazy parents, that till the parties concerned prove the affirmative by better witnesses and clearer evidence, and the people in parliament own him for their heir, we need not go about the unreasonable task of proving a negative."

All these trifling arguments have been so convincingly and irrefutably answered in The Loyal Martyr Vindicated, that, till a satisfactory reply be made thereto, it is but lost labour to trouble any with the repetition of them. Why was never any answer given to the address to the parliament, to admit the thorough examination of the whole matter, whereby it was offered to be proved by still more convincing circumstantiated testimonies? Why were Mr Ashton's papers never suffered to come to light? Why have no judicial proceedings been attempted to prove the numerous protestant ladies, as well as noblemen, perjured, who till then stand upon record as uncontrovertable witnesses? If there had not been so many conscientious protestants, of the best quality, witnesses of his birth, and more of all qualities than ever we read of in any history, were present at a queen of England's labour, something might have been pretended. But as to the project he mentions, and the no less impudent than insolent argument of the craziness of the parents, to convince the world of these calumnies, it hath pleased God to bless their majesties with a princess, which, upon many accounts, will be more convincing to our incredulous world, than if it had been a prince.

I pass by what follows, as sufficiently answered, and proceed to what our author next proposeth. "If it be urged," saith he, "that it is a dangerous precedent for future kings to allow the people a liberty to take away their prince's right, and set up another on pretence of mis-government, &c. the reply is, the late king was the occasion of this precedent, by first attempting to alter the whole frame of our laws, government, and religion, and then deserting us." *Quis tulerit Gracchos?* How far, and upon what motives, the king dispensed with the penal laws I have spoke to before; and to call that an attempt to alter the whole frame of our laws, is to own that all our laws are Draconick, writ in blood; that our government consists only in fining and imprisonment, and our religion hath more of Mount Sinai than Mount Zion in it. Shall the king be loaded with odious epithets of affecting arbitrary, absolute, and tyrannical government, on that single score, because he desired to free his people from sanguinary and other penal laws? This is every whit as probable a contrivance as to extirpate the protestant religion, by entertaining 30,000 French protestants. I have touched before, that the Long Parliament did calumniate King Charles with the very same crimes our

author does King James: And whoever reads Milton's or Godwin's writings in defence of the proceedings then, will find all the poisoned arrows shot against the king are taken out of that quiver. And all the clergy of England, who have sworn allegiance to King *William*, ought to mock God no more in reading those prayers appointed for the days of the martyrdom of King Charles the First, and King Charles the Second's restoration; for that the Long Parliament, after eight years war in defence of the people's liberty, and in opposition to arbitrary power and popery, (as they, with as much confidence as our author doth now, alledged,) had as plausible pretences to punish that sacred king as a traitor to his people and their representatives, and abolish kingly government, as the convention had to abdicate upon pretences of the king's endeavouring to subvert the fundamental laws, and for withdrawing himself to avoid the fatal stroke his royal father received. For though at that juncture the contrivers of the dethroning King James knew it would be of dangerous consequence to their designs to have offered violence to him, and would frustrate their fore-designed abdication, yet the king had no reason to trust his royal person in those hands, whose very mercies are cruelties.

Our Godwin, junior, goes on telling us, "if it be an ill precedent for the safety of princes, that the advantage was taken, it was, however, necessary to take it for the safety of the people, for whose good Heaven made kings:" Yea, and for the preserving of the people from the miserable harassing them, by the direful calamities of war upon every dissolution, or interruption of the legal succession, our wise ancestors have taken all care, by the firmest laws, to establish the true hereditary monarchy; nevertheless, there never was rebellion or usurpation attempted, but the *salus populi*, the people's good and safety, was with all industry pretended.

As to the most comfortable doctrine to all our author's proselytes, associates, or auditors: That "it seems as necessary that there should be some precedents to deter princes from abusing their power, as well as to restrain the people from abusing their liberty," I wonder the author did not say, it seems good to the Holy Ghost and us to declare this doctrine; the holy writ tells us, that offences should be, but woe to them that cause them. Passive obedience, suffering for conscience-sake, is for ever to be exploded; and, I believe, after strictest enquiry, there will be found nothing in the doctrine of our church, or our laws, that will countenance such a seeming necessity.

However, lest our author's prince, for whose use and information these precepts are laid down, should suffer any qualms by them, he provides for him a very cordial draught, That "this precedent can never hurt the monarchy itself, or countenance a rebellion, while the king is on the throne, that will stay to hear the people's grievances, which will never be denied by the present, or any other good king." But what if the designers of rebellion should declare it a grievance to have a king armed with any prerogative, even necessary to support his dignity and office, or multiply complaints of grievances, till he had displaced all his friends, quitted his power of the militia, of calling and dissolving parliaments, or having a negative vote. What would become of such a liberal king? May not it be rationally presumed, that if the people were so minded, they might fill up a bead-roll of grievances against the Prince of Orange, every whit as plausible as those this author hath framed against King James.

The last motive to induce loyal subjects to endeavour to restore our king, is worded by our author to his best advantage in answering of it: "That there is no way to preserve the church of England, no, nor the protestant religion, but by restoring the late king." On this head our gentleman spends his flashes of rhetoric, recapitulating all the odious things, as he calls them, which King James did to destroy the protestant religion, and especially to ruin the church of England: On which head he runs out into fresh excursions about his spight to the protestants in Ireland, his learning in France to dragoon all men into the king's religion, the motives to draw in the Frenchified pope.

to lend him money to invade us, " by his convincing him he lost all for his zeal to restore popery." But these, and all the rest that follow upon the like topics, either have had a sufficient answer, or amount unto no more than to tell us King James is a Roman catholick, and as such cannot but wish well to his religion; or that the King of France, or pope, have no other inducements to aid him, but to enable him to ruin our religion, and make our kingdom miserable, by absolute empire. In answer to which I shall add, to what before I have touched, these short considerations.

There are no passions so romantic as love and hatred, and it is a copious and easy theme for an English protestant, that wears the colours of the Long Parliament, orange and blue, to write with venom and gall against popery and the French. But I desire all impartial readers to consider, whether the king's religion be the principal motive to induce the pope and the French to assist, or rather a generous compassion for an injured prince: They are neither of them such novices, either in affairs of religion or state, but to be abundantly satisfied, that it is as impossible to settle popery in England as to establish Judaism or Mahometism. The utmost of the aim or hopes of this great triumvirate, can be no more than to obtain that Roman catholics may have the common liberty of other subjects, and these dominions return to the obedience of their lawful sovereign, by which the peace of Christendom may be more easily obtained.

But our politic author saith, " it cannot be ease to Roman catholics the king designs, they are more at ease under King William, than under any protestant king since the Reformation." If this be alledged to endear the Prince of Orange to the Roman catholic confederate princes, that he keeps his promise to them in using the papists kindly, then we have as much reason to fear the advancement of popery from them if they prevail, as from the King of France; for I think the emperor and the crown of Spain are as zealous in their religion as the King of France. *If he means that the* Prince of Orange is so indulgent to Roman *catholicks, upon any other consideration* than they are not such dangerous *subjects, but they* may be connived at and tolerated under him, in whom all *religions are indifferent*, so they thwart not his ambition, though it was so heinous a *crime in King* James, being of their religion, to shew them any singularity of regard.

In the next place, our author falls into a flourishing about the king's breach of promise, " and that he having pre-engaged himself to the pope and French king to the contrary, though his interest, and the hope that some will be so mad to believe him, put him upon renewing these promises to England, yet his confessor can soon resolve him which promise is to be kept; and that by his former protestations he designed to gull us only, not to oblige himself by them." It seems, whatever can be said to the contrary, King James must have a cloven foot and a cloven tongue. There is no fence against a flail; suspicion and distrust are incurable diseases. I have said enough before, to shew that even in his declaration for indulgence, yet he had regard to preserve the church of England and protestants; and it is a great truth, though many men's gauled consciences will not own it, that he hath kept his promise better to the church of England and protestants, than some millions of them have kept their oaths to him.

I desire once for all, that honest protestants and sober Englishmen will consider whether King James be endowed with a rational soul or no; and in the second place, that they will consider what proportion, in number, strength, wealth, interest, or any other qualifications the Roman catholicks bear to protestants, which some have computed at two hundred protestants to one papist; and I think it demonstrable that there may be five hundred. Think now, if a rational king can be so crazed as to attempt a change of religion at such disadvantages, or can expect to be king of any figure over none but Roman catholick subjects. Think then, dear countrymen, of the king's darling sin, if you will call it so, his desire that none should be prosecuted *for religion*;

add to this one consideration more, that if the animosities among ourselves be such, that each way of worship have conceived so bitter a hatred against other, so as they will not allow the toleration of one another, must therefore all the odium be cast upon that Christian temper of the king, who laboured to have them live in outward quiet at least, as Christian brethren and subjects tied in one common bond of allegiance to him, the true father of his country. When you have deliberated upon all these, I hope you will conclude with me that it cannot be the king's interest, in the least jot, to vary from his promises made in his royal Declaration to the church of England, or his protestant subjects.

As to what our author so maliciously urgeth, "That the king declared in Ireland, that the church of England stunk in his nose, and that he abhorred it," both he and Bishop King, if he have uttered any such thing, must excuse me, if I believe it not. King James is not a prince that useth such language to his most professed enemies. How tender a nose soever he hath, his breath is fragrant as the blooming rose; and mercy, pity, compassion, and benignity flow from his lips.

Indeed, the swearing clergy of England having renounced the old doctrine of the church of England in point of allegiance, and the file-leaders, instigators, and promoters of those oaths, and their new allegiance can expect no favourable character from uninterested persons, or from the true members of the church of England, who have kept firm to their old doctrine of loyalty and passive obedience.

For King James to pity the misguided zeal of some, the timorous selfish desires of others, and the infatuation of the rest of the swearing clergy, I am prone to believe it is true: But to revile, give names, or pronounce fulsome things against them, it is far from the innate generosity, mercifulness, and clemency of his temper.

Our author's reflections on the king's ingratitude deserve no answer; it is so well known that he hath ever been the best master to all his servants who served him truly, of any our English kings we read of; and how great numbers have requited him is obvious to the world. I never before heard that any of those that served him against the Duke of Monmouth were neglected by him, unless he early perceived they were promoting the interest of the Prince of Orange: And I am confident whoever were such, are conscious to themselves that they failed of their duty long before the king withdrew any of his favours.

To proceed. Our author asks, "What it is the church of England wants, or any other protestant? This king is a serious and sincere protestant, and as true a lover of that interest, as King James is a professed enemy to it." That the Prince of Orange is in profession a protestant I doubt not; but that he is very morally religious there is great reason to doubt, since he hath no more tender regard to the fifth and last commandment, and was so impatient of his father's crown, that he must needs be proclaimed at the very hour on Ash-Wednesday, when the whole church of England was pronouncing the commination of, "Cursed is he that curseth his father and mother, removeth his neighbour's land-mark, and smiteth his neighbour secretly;" Which shews neither he nor his advisers to that haste either regarded the day or the comminations against his undertakings. Philosophers tell us that the soul is entirely in the whole, and in every part of the body; and writers upon politics compare the king in his kingdom to the soul in the body: And if so, the Prince of Orange hath plurality of souls as to the outward appearance of his religion. In Scotland he is a very perfect rigid presbyterian; in England a lindsey-woolsey episcopalian; and I doubt not, at the Hague and Amsterdam, Calvin and Beza are his apostles; and amongst the confederate princes, Luther or Erasmus. But in all places his Diana is empire and riches.

"The churchmen," saith our author, "say King William is too kind to dissenters; but hath he given them other or more liberty than King James did? That king began the toleration; and it was not for a new king, in a troublesome state of things, to al-

ter any thing of that nature. Lo! here we have a candid confession that King James did no such horrid thing by his toleration, though it was the very ground-work of all the disaffection from the church of England, and the Pandora's box, out of which all the writers for this government fetch their plaguy calumnies against him.

Let us follow our author in his good humour. He saith "the dissenters do think the present king too kind to the established church; not considering it is the national religion which he found, and keeps in possession of all its rights, as his duty and oath oblige him; yet so as the dissenters have ease, and every thing but empire." Good God! Must King James, who did the same thing, be Abaddon the fiend and destroyer; and the Prince of Orange, who writes by his copy, be an angel? For shame, let us hear no more of King James's arbitrary rule, tyranny, dragooning, and breach of promises.

As to what our author subjoins, "That the king is not only the head and protector of the protestants of England, but of all the reformed churches in Europe," the two northern crowns, it seems, and the protestant princes of Germany, are ignobler members in comparison of him; yet he and his popish soldiers can more closely combine with the emperor and King of Spain, as professed enemies to his headship, as any in that communion, and he must be thought wise and pious for it. And neither his nor his armies stomachs are turned at the idolatry of their church, yet King James is mortally persecuted for desiring his popish subjects should share in a toleration, or in the liberties common to other Englishmen. Sure he might be as indulgent to his Roman catholick subjects, as the Prince of Orange is to whole armies of the confederate papists.

As to the French king's "desperately weakening himself, by banishing thirty thousand families of useful subjects, only to root the whole profession out of his dominion," I shall say nothing: That king knows best his reasons; and I am sure King James was not of his council, otherwise he would not so chearfully and cordially have entertained them, cherished and supplied them. What grateful returns they (and other protestants who were so much bettered by his indulgence,) have made to him, all men are sensible. Yet he can and will forgive them, and will have more content and satisfaction to have the power of pardoning and forgiving, than they have ever had in their treachery to him, and their insulting over him.

As if our author had not spent his utmost malice in distorting and misapplying whatever King James did, he now turns prognosticator, and boldly undertakes to divine the intentions of his soul, as if he had got some familiar to tell him it. "I doubt not but for a while," saith he, "he would maintain the established church, and renew his indulgence, because he can get footing no other way. But it is easy to see how short-lived those sham favours will be. They spring from fear, and desire of opportunity to be revenged; and so soon as ever the fear ceases, and that opportunity comes, he will most certainly kick down the ladder by which he ascended, and pull off the mask, appearing what he is in his nature and principles, and not what his necessities have made him seem to be."

This is the very sting in the scorpion's tale. But if prejudice, envy, and implacable malice did not thus wickedly misrepresent a just and merciful prince, this author and all his partakers would own that the universal liberty of his subjects, in matters of religion, is so rooted in his soul, and so congenial to his temper, that he can never be a persecutor on any account of religion: And he is as well convinced that the church of England must be countenanced and maintained in all its rights and privileges, upon the account that the monarchy requires it, as our author must own, whatever religion the king shall be of: Both which, as to the church and dissenters, are as fully laid down in his Declaration as words can express; and it will be his care, as it is absolutely his interest, to continue them, say this dreamer what he will; not only for the repose

of himself in his declining age, but for the security of his son, the hopeful prince, for whose peaceable reign he ought to provide. All which things duly considered, it is impossible but the king will inviolably and sacredly keep and observe every promise in his royal Declaration; and that he will never attempt either to suppress our religion, or infringe the least of our liberties or properties.

So that it is an unjust and ungrounded aspersion of our author, that his dutiful subjects, "in assisting to re-instate him, and fighting for him, they fight against their own religion, which the primitive Christians, for all their heroic loyalty, would not do, and which no men ought to do for interest or revenge."

Is it not as lawful for the king's loyal subjects to assist and fight against the mortal enemies of his crown and dignity, (whereof he is deprived unjustly by a son and daughter, by the force of strangers and popish soldiers, and the treachery of his own subjects,) when to restore him and the constitutional laws of the government, and the church of England to its ancient doctrine of loyalty, as it is for protestant princes, not to mention Roman catholick kings, to fight against one another for the rights of their jurisdictions or crowns, without fighting against their own religion? I do verily believe the heroic loyalty of primitive Christians, in such a quarrel as King James's is, would have engaged them as cordially and unanimously to have fought in defence of such a right, as they would or did for the enlarging the Roman empire. Neither doubt I that the loyal subjects of King James are as circumspect, that they do nothing to endamage their religion, as any of the Prince of Orange's confederate protestants or himself can be. It is not our religion, our author and his party are so much concerned for, as the losing the sweet power and dominion they have got, and the disposal of the wealth and strength of these kingdoms. For if they could enforce the King of France to let King William reign, they would no more regard the promoting the prosperity of the church of England than Oliver Cromwell did. It is the securing the usurpation, not religion, is their chief end; and all the loud cries and clamours against the French king, are only because he espouseth King James's interest: For we cannot forget, that when in the minority of the present King of France, Cromwell had wrought so with the French councils, as to abandon the interest of King Charles the Second, he and all his power joined with France in all their wars against Spain, as now his successor doth for Spain against France, and judged their religion no way interested; they fought against the Dutch also, and their protestant confederates, on the same quarrel.

But that we may believe that the zeal of our author for his religion outweighs all other considerations, he tells us, "For my part, I think true religion so far above all concerns, and the preservation of it so principal an advantage of government, that the prince who will certainly suppress that, must be more intolerable than he that would take away liberty, estate, or my life; and it must be a damnable sin in me to assist him in it, or to put him into a capacity to do it; no oath or allegiance can bind me to this; it may oblige me to suffer, but not to act for such a design."

What answer can be expected to be given to a position laid down in such general terms? Every one judgeth the religion he professeth to be the truest: And if it be so damnable a sin for any subject that is under the obligation of an oath, or allegiance, to assist a prince that would suppress any religion the subject thinks true, or put him in a capacity to do it, the doctrine of passive obedience is the very safest and comfortablest doctrine in the world; for this will preserve all persons that practise it free from sin; and it will be no ill preservative against suffering: For a non-resisting enemy ought to have the fairest quarter. But before our author had laid such a stress upon true religion, "that a prince who will certainly suppress it is more intolerable than he that would take away our liberties, estate, and life," it had been necessary for him to have declared what the true religion was, whether protestancy in general, or any subdivision of it: For I dare be bold to affirm, though I never do, nor am solicitous to

know the author, yet if he be of any of the several classes of protestants, he will not pronounce this severe sentence against any prince, who suppresseth any one, or all the forms of religion, except that which he professeth.

But what if a loyal subject of King James be not convinced, that the king will certainly suppress either our protestant religion in general, or the church of England in particular, what must such a subject do? He is certain by the laws of God, and the municipal laws of the kingdom, that the king is his lawful sovereign, and he cannot dispense with his oaths or allegiance to him; and is not so certain that the king will suppress his religion, having his solemn and repeated promises to the contrary, backed by his true interest to perform them. Surely such a protestant subject may be allowed not to resist him; and then, if, as the late Declaration saith, "There should be none but the usurper and his foreign troops for the king to deal with," in what condition would the government be? Oh! we must then renounce all this doctrine of non-resistance, and conjure up the spirits of Marshal and Burgess, and the rest of the militant preachers of the Long Parliament, to instruct us again in the doctrine of, "Curse ye, Meroz."

But our author, fearing error and mistake may be involved in generals, he, towards the close of his discourse, explains the matter more particularly, in these words: "Wherefore for shame let his Irish and his English popish subjects alone carry on this impious design, who can only hope for advantage by his restoration, and who are only bound in conscience to help him."

It is strange our author will prefer the consciences of Irish and English popish subjects so much. It seems they may deserve the epithet of subjects to King James; yea, "and are bound in conscience to help him." They are much obliged to him for the compliment. It puts me in mind of an expression I have heard affirmed, that fell from the first new bishop of the last edition, "That the papists were saints, in comparison to protestant Jacobites." Surely he will next plead, that they may have only liberty of conscience, who are only bound in conscience to help King James. This may please the confederate Roman catholic princes better than it would that they had liberty to assist him.

It seems religion is the only ligament that binds subjects to their obedience; a popish king can have no protestant subjects, dominion is founded in grace. Henceforward no king must make account of his people, who possess estates, or inhabit within his dominions, to be his subjects, unless they be of his religion: A rare secret to absolve subjects from their allegiance. And if princes were not better-natured than our author, his position would force all kings to dragoon all their subjects to their own religion, lest they might be in danger from such, who, living within their territories, owe them no allegiance.

But whatever favourable character he can give to papists, yet as they are Jacobites, their designs are impious; therefore we protestant subjects must not join them, "but neuters we must stand at least; and that will suffice to shew how contemptible a party that is which must be set up on the nation's ruin."

Well, the good gentleman allows, that popish subjects are bound in conscience to help King James, and protestants, whether subjects or not, to stand neuter, and then he doubts not but the Prince of Orange shall carry the day; for papists are but a contemptible people. We have almost through his whole discourse been affrighted with the terrible inundation of popery; nothing but ruin, and the extirpation of the protestant religion, and the church of England, to be expected from papists: And yet now even Irish and English papists, combining with their full force, can make but a contemptible party. Thus Margery's good cow gives a good meal, and casts it down with her foot. Our fears of bloody, persecuting, triumphing popery are blown over.

But whether the matter be true or false, we ought not to pass over the use and ap-

plication of this text. We protestants therefore, that have any affection for King James, must first note, That this contemptible party cannot be set up but upon the nation's ruin. And, secondly, "It is impossible for King James to cut down the protestant religion in England, without borrowing a handle from the tree he would fell." Then it is impossible, by the French king's aid; so that the fear of that force is likewise out of doors; it is then only in the power of protestants. If therefore English protestant subjects will take into consideration these motives before laid down, as how unjustly King James was deprived of his birth-right by his subjects, who by nature and oaths are bound to defend him in possession of it; if they will deliver themselves from the oppression they have suffered in taxes, quartering of soldiers, decay of trade, and imminent danger of losing it all to the Dutch; if they will have again restored the old laws of the hereditary monarchy, so judiciously settled by our wise ancestors, and confirmed to be the best form of government for this kingdom by long and long experience, as well of the benefit of it, as by the certain, constant, and never-failing miseries which ever have befallen the subjects upon any interruptions of it; and if we will secure our religion upon the old foundations of loyalty, preserving all other doctrines of reformation entire, past the possibility of the contemptible number of Roman catholic subjects disturbance of it, in the free exercise of it; and lay an eternal obligation on the king to "maintain and protect the church of England, with a parliamentary settlement of liberty of conscience, in so beneficial a manner, that it may remain a lasting blessing to this kingdom; if we will see the breaches repaired, and the wounds of the late distractions healed, trade restored, and the bringing back peace, plenty, and wealth to the nation;" then we must cordially and unanimously assist our so infinitely injured prince to recover his right. By this means we shall prevent the effusion of blood, secure our liberties and properties better and more sure than ever we can expect them to be under the Prince of Orange, or any Dutch governor; and, our lawful king being restored, "he will delight to spend the remainder of his reign he always designed since his coming to the crown," if he had not been so interrupted by Dutch contrivances, "in studying to do every thing that may contribute to the establishment of the greatness of the English monarchy, upon its old and true foundations; the united interest and affections of the people."

Neither will the blessing of his restoration fall only upon our Goshen, but all Europe will be participants of the happiness: For upon the settling these kingdoms upon a durable state of peace and plenty, the universal peace of Christendom will be much facilitated; which, as the case now stands, can never be effected so long as the king is kept from his throne; during which time, "no rational project of a treaty can be formed in order to it." The prince, our present lord, is sensible of this; and by this time both he and the confederates cannot but be convinced, that if it had not been for his ambition of three crowns, expedients might have been long since found to have composed the quarrels betwixt the King of France and the confederate princes.

It is the single and separate interest of our so magnified deliverer, that is the principal, if not sole obstacle of a general peace in Europe. I think he hath lately been told by a sovereign prince, who knows the difference betwixt an elector of Germany and an elective and precarious king, that it never was the intent of the rest of the confederate princes that he should usurp his father's crowns: He was sent into England for another end, only to prevent the conjunction of King James, with France; which they needed have had no suspicion of, if they had given credit to the expressions or interest of a prince who only wants that piece of king-craft, to dissemble. If common fame be not an egregious liar, our hero hath been told, both from the Duke of Bavaria, and finds it the resolution of his native country, that they will not run the hazard of the ruin of themselves and countries, for the endeavouring to promote his single ambitious

ends. There might be some temptation to stand by him, if he had any legitimate issue to leave his crown to, such as Henry the Fifth was: But for one that, in God's just judgment for his unnatural undutifulness, is like to be writ childless, there must be some greater charms than are obvious to the world, either in his person or disposition, that can oblige princes to espouse the desperate fortune of a man who regards no person living, longer than they serve his ambitious, proud, revengeful, or covetous ends; for whatever such gross sycophants, as his new chaplains of the first orb may say, these truly are his cardinal virtues.

It's true, he hath deserved considerably of his allies. He hath from his acquired dominions furnished them with vast armies, vast fleets, and a proportionable vast mass of money: But they have not thriven with his ill-gotten goods; and the Duke of Savoy hath found his pensions to be *Aurum Tolusanum:* And the King of Spain doth already find, that he hath brought more mischief to his crown, than his great grandsire of his name did, who was the principal author of the revolt of those provinces. And since I have mentioned that Prince William, I think it not amiss to transcribe Cardinal Bentivolio's character of him, out of his Relation of Flanders; and leave it to the impartial reader to judge in how few particulars of the virtues ascribed to that prince ours agrees, and what additions they will make to his vices. The words are these, Lib. 2. C. 2. "The Prince of Orange was in great esteem with the Dutch; and truly he was a man of very great parts; of a strong body, constant mind, flowing tongue, good at council, he was very dexterous, and wonderfully vigilant. But these virtues were counterpoised with much greater vices. There was no faithfulness in him, no goodness, no shame to do evil, his religion was only outward; he was of an unquiet mind, and greatly ambitious: Nor was there ever any who knew better to wind people by deceit, nor knew better to cloath his own ends with zeal to the public."

But to return to the matter in hand; I believe the Dutch, who gave him the first lift to the saddle eaves, will have little cause to erect a statue for him. For if they desert him not in time, they may live to see an end of their republic, which hath continued long enough to be the plague of Christendom.

As for the princes who serve his interest and ends, so long as he pours our coin so plentifully into their laps they will aid him; but now finding his cash run low, will knock off in time. But suppose all these, for the service he hath done them, are obliged to a princely gratitude, surely England cannot say as much, unless we are to thank him for altering our constitution of government, destroying our laws, and hawling our men to the shambles, giving away our trade to the Dutch, perjuring the clergy and laity, squeezing those many millions of money from us, and transporting them to Dutch land, beggaring one part of the subject with taxes, and another with his outrageous soldiers, who, for want of pay and discipline, live upon rapine and free quarter, as if they were in an enemy's country.

And if the matter be thus handled, whilst the war is thus carried abroad, what must we expect when the confederates have left him, and he returns with the vengeance of an enemy at his heels, and translates the war into our own country?

Surely these so sensible considerations should effectually prevail with us to recall our king without foreign troops, which would infinitely more content him than all the absoluteness his malicious enemies unjustly calumniate him with an aspiring to. It is our wealth, liberty, prosperity, and renown, he prefers before all the personal advantages to himself; fatherly affection is inherent in his nature; and to leave us in the peaceable enjoyment of our religion and laws will be his sole care and endeavour, that he may leave the prince his son an undisturbed reign.

I shall now conclude, as near as I can, with our author's words, but with a quite different application. "Take warning, noble patriots and worthy fellow subjects, by what is past, and what must be the inevitable consequence of our deserting our lawful

king, and assisting the prince, even to the ruin of the most famous true church of England, yourselves, and native country." The scandal of your religion, the abolishing the fundamental laws of the old constitution of the English monarchy, and the certain continuance of the destructive war, in all the countries now concerned in it; to which there can be no such expedient found to put a period to it, as the restoring our lawful king by our own endeavours, without unnecessary foreign force.

Sir, I take God to witness, what I have writ proceeds from no design of countenancing popery, or arbitary power. I have set down my thoughts for no other end but out of an unfeigned desire of the universal good of my native country, wishing nothing more than that those may truly repent, and make restitution, who have been authors of so much misery to it by the Revolution; that our kingdom may again be restored to peace and plenty, under our lawful king and the undoubted laws of the kingdom; and that those who are of different judgments, will, with equal candour and impartiality, satisfy the consciences of their dissenting brethren, rather than with the severities that are accustomed to be used, to stifle the reasoning of true unbiassed lovers of truth, loyalty, and their country.

Great Britain's just Complaint for her late Measures, present Sufferings, and the future Miseries she is exposed to.

This is the Tract so repeatedly quoted in the preceding article. It is one of the most able and earnest pieces of pleading which the Jacobites were able to produce. The pamphlet is said by Ralph to have been written by Sir James Montgomery, who, after having been engaged in different sides during the intrigues of the time, was for the present an adherent of King James. In this Tract, which is designed as an answer to that entitled "The Pretences of the French Invasion Examined," he undertakes to support the four causes of invasion which the Examiner had endeavoured to subvert, and endeavours to shew that those grievances which had been urged against King James were all of them applicable to the government of King William.

THE last great revolution in Britain (which doth so much exercise the heads, hands, purses, and pens, of the inhabitants of this island) is not to be paralleled by any instance from ancient or modern history. When we have ransacked the annals of all the nations of Europe, and travelled as far as the Indies to find an example, we shall at last be forced to acknowledge, after all circumstances are exactly weighed, that we have been blindly following the dictates of our own personal prejudices and intoxicated judgments, rather than tracing the footsteps of our predecessors, or of the most zealous assertors of publick liberties in other nations. I do not deny, that in every province and kingdom of the universe we may find instances where subjects have been at last necessitated by force of arms to secure themselves, their religion and liberties, against such violent and repeated acts of tyranny in their princes, as did visibly endanger the frame of the government itself, as well as the safety of every individual: And many princes have lost their crowns by a tract of cruelties and exorbitances in government, and an

incorrigible obstinacy and deafness to all the humble petitions and repeated complaints of their subjects.

But we scorned to be confined within such antient rules, to be regulated by the practices of our forefathers, or be taught at the expence or by the experience of others. We have walked without guides, amidst dark and dangerous pricipices: Our fears have over-run our reason; we have taken things upon trust, without searching them to the bottom; and we have been imposed upon by the cunning and artificial disguises of self-designing and ambitious men, to overlook a most infallible way of securing liberty and property to all future ages; which the ambition of the Prince of Orange, and the hard circumstances of our own king, had put into our hands. We have vacated a throne for the pretended desertion of a prince, violently forced away by a surprising defection of his children, servants, subjects, and soldiers, and under the terror of dangers threatening his life and liberty. We have justified this severity by enumerating miscarriages in government; which, though errors and mistakes, were very far from overturning foundations, and which the king was put upon by the artifice and cunning of his son-in-law, who was grasping at his crown: And we have obstinately refused all treaties when offered, whereby grievances might have been redressed and provided against for the future; and we have ventured upon such steps as have no precedent, and furnished an example for history, which will be found too desperate and expensive for imitation.

Yet so far hath this poison spread and diffused itself, that though the pretended reasons of our proceedings appear at last to be empty, false, and forged; though the principal actors are ashamed of their former grounds, and love the sound of Conquest better than that of a Deliverance, and are countenanced in it by the practices as well as inclination and maxims of our present monarch, there are some people who would gladly continue the cheat, and amuse us still with a hodge-podge of right of succession, election, and conquest, and the lofty and agreeable sound of religion, liberty, and property; which appears to be as little the care as it was the design of our principal reformers.

Hence it is that we have of late been entertained with two famous pamphlets, the one entitled The Pretentions of the French Invasion Examined, licensed, or rather written, by the Earl of Nottingham: The other is, A Letter to a Friend, concerning the French Invasion,' which must be the offspring of a person of equal quality with the former, since his character stamps it legitimate without a license. These two pieces do not in the least answer the figure which the authors who are assigned them make in the world: For all along they falsify, disguise, or absolutely conceal matter of fact;

* See the previous piece, entitled The Pretension of the French Invasion examined for the Information of the People of England.—"This paper was followed by those two of Dr Lloyd's, called, A first and second Letter to a Friend, concerning a French Invasion to restore King James to his Throne, and what may be expected from him should he be successful in it. The last of these, which contains a formal answer to King James's Declaration, we have already quoted: the scope of both is to work upon the fears of the nation: and in order to do this in the most effectual manner, the author endeavours to shew, that nothing was to be expected from King James but a repetition of the same measures as had rendered him so justly odious before; that while he continued a papist, and in so close an union with his Most Christian Brother of France, he could not be kind or just to his protestant subjects if he would; that if, instead of being directed by papists as before, he should now think it his interest to be directed by non-jurors, the case of the bulk of the people would be the same, and they would find the yoke of the one as heavy, and the resentments as severe, as those of the other; that his very penitence was not to be trusted; that the weight of the taxes was the only reproach that could be levelled against the new government; that those taxes arose from the necessities of the times; that we had a hopeful prospect of seeing an end of them; that our men had now got a habit of beating the French; that revolutions were, in their own nature, chargeable things; that one was enough for an age; that how much soever the last had cost, our money had been well laid out; and that another would cost ten times as much, and entail French popery and slavery upon us into the bargain."—RALPH's *History, II.* 380.

they labour to impose falsehoods for truths, and their base alloy as good coin upon us; they advance positions for undoubted maxims, which have been controverted all the world over, and upon this sandy foundation they raise their building; and their reasonings are either false, sophisticated, or most conclusive on the other side.

To make good this charge, and acquit myself of the duty I owe my country and fellow subjects, in contributing my mite towards the rectifying their judgments in such a nice and important affair, wherein our own peace and happiness, as well as that of our posterity, is so much wrapt up, I shall endeavour to make a full and distinct answer to these two pamphlets, by a true, unbiassed, and impartial deduction of matter of fact, by setting out the publick councils, designs, and conduct of particular persons, in their true light, without those disguises which were artfully thrown over them; and by their own reasons and maxims, concluding a great deal more forcibly against themselves: And to deal fairly by them, I shall confine myself to those very arguments which are assigned by the author of The French Invasion Examined, as the motives upon which the restoration of King James is desired and endeavoured, viz. "The repairing the injury done to the king, the settling the government upon its old basis, the delivering us from the oppressions we suffer under the present king, and the securing the protestant religion for the future."

There is no Englishman but must allow these considerations to be grave, weighty, and important; and, if as true as considerable, sufficiently conclusive and persuasive for a speedy restoration. I will then enter upon a particular enquiry; and I do not despair, before I have done, to establish the truth as well as the importance of those reasons, against the cavils of those authors: I join them together, because their reasonings are much the same, equally levelled against the aforesaid motives, and must stand or fall together.

As to the first motive, "Of the repairing the injury done to King James." If it can be made appear that he was unjustly, upon false pretences, deprived of his birth-right by his subjects, who by nature and oaths were bound to defend him in it, then must it be acknowledged a duty by all, as well as those authors, to repair that injury done him, by restoring his right again. I shall apply myself particularly to the clearing of the injustice done him, since upon that a great part of the controversy depends, and most of the reasons assigned by these authors against his restoration will fall to the ground: In doing of which, I must look higher than the beginning of King James's reign; the early and unnatural ambition of the Prince of Orange, as well as the necessary connection and series of affairs, oblige me unto it.

It was not the danger which our religion and liberties were threatened with, from the designs and bad administration of King James, and a tender regard to the British subjects, for their love and respect to his dearest consort and himself, with the interest which his birth and marriage gave him in us, first induced the Prince of Orange to look towards these kingdoms and our affairs. The late King Charles (notwithstanding of all the tenderness he had discovered for that prince's education, and care for his interests, in espousing them so vigorously upon all occasions against the States of Holland, who would gladly have secured themselves by depressing him and his family, against those prophetic fears they lay under, for their beloved rights and liberties) was the first that felt the effects of his nephew's towering and boundless ambition. No sooner did the Prince of Orange find himself re-instated, by the authority and interest of his uncle, in the posts of grandeur possessed by his father and predecessors, and so put into a condition to appear upon the stage, and mingle in the greatest affairs of Europe, but he gave loose reins to his ambition, to range wherever it could perch and fix, without being restrained or frightened by those common rules or barriers, which morality and religion had placed as spoaks too mean, in his opinion, to stop the career of a bold and daring spirit.

Britain was the place he fixed his eye upon; neither could relation, or gratitude, place any rubs in his way. The lazy temper of that monarch, addicted to his pleasures, and his being without children, the religion of his brother, and want of male issue, together with his own alliance with the royal blood, and some discontents of the people, which were begotten and heightened by the addresses and malice of a few grandees, promised him a plentiful harvest in return to his cabals and cajoling insinuations; upon which those grandees were applied unto, and as quick and hearty returns made by them, with assurance of zeal, dependence, and fidelity, being glad of so considerable a support. Hence sprang all those fatal divisons which so long time exercised that prince, his councils, and parliaments.

To spirit this party in England, and to fix himself one degree nearer the crown, which he so much longed for, the prince made his addresses, and was married to the Lady Mary, much against the inclination both of the king and duke, who did very well foresee the consequence, and were afraid of so near a conjunction with so restless a spirit. But it is well known who disposed the king to agree to the match; for which, and other good services then in betraying his master, he is well rewarded now, rather than for any merits he had to plead upon this Revolution.[1]

After this match, our divisions and discontents past all bounds; nothing less than the interruption of the royal line, by a bill of exclusion, would satisfy. I know the danger of our religion, from a popish successor, was pretended; but the Prince of Orange's immediate succession to the crown, in the right of his princess, was the thing truly intended by the prince's agents and privadoes: nothing else but such a hidden secret design could have inclined so many men of sense and reason to refuse the great concessions were offered 'em; which, without danger, or the bad consequences of neglecting a just title, did equally secure religion and liberty. To this project were sacrificed all those great and mighty securities which King Charles would willingly have granted in favour of our religion and liberties, to be rid of that troublesome bill of exclusion; and thus we lost the greatest and best establishment we ever had in our view; and which would legally, peaceably, and willingly, have been settled upon us, without any farther trouble, danger, or expence: So early did this prince's ambition become fatal to our liberties and properties.

Hence sprang all those councils and measures, which did so much discontent the people; and put that king upon the *quo warranto* project, thereby to temper and qualify parliaments, which the cabals and machinations of the prince had rendered so warm and uneasy to him. Hence sprang that ferment, and those bad humours, which gave life and motion to the Duke of Monmouth's invasion and pretences, who all along had been made a stale by some; though the prince lay close at the bottom, and seemed to favour the man; until at last he perceived that the duke did in earnest catch at that he so much longed for himself. With what regret, yea indignation, must every English breast be filled upon a review of that blessed occasion we lost, which might have prevented our present expence of blood and treasure, and all those fears and miseries we are now groaning under, and know not when we shall be at an end of! It is with unspeakable grief I am obliged to remember so great a loss; nor do I mention any thing but what is very well known for a truth to some persons yet alive, and which I have seen clearly verified by some convincing dispatches which are yet extant, and which shall be carefully preserved, until they may be with safety produced. Doth not Sir W. Temple, in his Memoirs licenced and published of late, acknowledge the greatest part of what is here asserted? as if, in this reforming age, people were to make their court by publishing of services, for which their posterity may have reason to curse their ashes. Thus we see what fatal influences the Prince of Orange's ambition had scattered upon

[1] The Earl of Sunderland is the statesman alluded to.

our councils and measures, during the latter end of King Charles's reign: Neither will he be found less active and successful, by himself and agents, during King James's administration, as will appear from a particular enquiry into the pretended abdication.

This strange and mysterious word, which to this day is not well understood, neither can be explained, nor rightly fitted to what was intended by it, either by the authors of it, or by any body else, was first made use of in the kingdom of Naples, some ages ago; and begot that fatal struggle between the Anjouin and Arragonian factions, which at last quite ruined that flourishing kingdom, and brought it under a foreign yoke, under which it continues to this day. I shall not criticize upon it, nor examine how improperly it is applied in the case of King James, (though that be obvious enough to any man who understands the civil law, or the proper and genuine signification of the word) but shall only enquire into the subject matter, which, according to the sense of our reformers, amounted to abdication and a vacancy; and that is, King James's desertion and invasion of the fundamental laws and liberties of England.

As to the first, how properly his being forced away may be called a desertion, will best appear from a true narrative of matter of fact; which I shall give the reader: And though it may contain several things which are not generally known, and yet contribute exceedingly to the clearing of this point, I shall deliver nothing but truths, which can be made evident, either by letters, or evidence above all exception. No sooner was the Prince of Orange landed, but it quickly appeared to the world, how strangely successful his agents had been in their negociations. The poison was universally spread, and the pretences of his declaration greedily swallowed down without examination; though I shall make it appear, before I have done, that it was partly forged, and nothing of it ever intended to be performed. There was nothing sound or untainted in the whole kingdom: His children run away from him; the clergy juggle with him; his domestic and menial servants betray him; his subjects flock in to the Prince of Orange; his army desert; and the very creatures which he had raised from the dust, form designs to deliver up his person.

Was not this a scene the most wonderful and astonishing that was ever presented upon the stage of human affairs? What ground had the king to think that his person could be with any manner of safety, amongst a people who had thrown off all ties and duties, which could rationally be depended upon in the like case? When that natural affection which was due from children to their parents was quite forgotten; when the love, respect, service, and gratitude, which is due from servants to their master and benefactor, was entirely thrown off, and unheard-of treachery cherished in their places? When that allegiance which is due from subjects to their prince was debauched, and running into another channel? When that fidelity, which was due from soldiers, (both as subjects, and men who make a particular profession of honour) to their prince, general and nursing father, was so generally corrupted, that he was advertised by his general officers, "That the army was quite poisoned, and would not fight?" When his own ministers and counsellors were in pay and correspondence with the invader, and pushing him into councils and measures, which might increase the present ferment, and facilitate the prince's designs? What hopes of accommodation, or assurance of safety, could remain, without renouncing all reason, sense, and discretion? especially if we consider, that as soon as the account came that Oxford's and St Alban's regiment of horse commanded by Langston, and Cornbury, and Heyfort, with their dragoons, were deserted and gone into the prince, he called his general officers and colonels together at London; amongst which were Churchill, Kirk, Trelauny, Grafton, and others; and acquainted them, he had called a free parliament, that he was resolved to secure religion, liberty and property, at their sitting. He obtested these officers to let him know if there was any thing farther which they desired for the security of their religion and liberties, and he would most willingly grant it; and withal desired, That if there

was any amongst them who could not be satisfied, to let him know it, and he would frankly grant them passes for themselves and equipage, to go in to the prince. Upon which, they all answered chearfully and unanimously "That they were fully satisfied, and would hazard their blood, to the last drop, in his service:" And yet how basely and ungratefully some of them afterwards dealt by him, is too well known, and was enough to give that prince just jealousies of his own safety amongst men so lost as to all sense of honour and integrity.

And yet so loth was this monarch to part from a people who had forsaken him first, though surrounded with fears and distractions, under which any other person would have sunk, that he made offers of a treaty; which the prince accepted, not that he designed to come to any settlement upon it, but because he durst not unmask himself so far as to refuse it; and was in hopes to find some pretext or other to break it off. Upon this, the commissioners met on both sides, but with so little inclination, on the prince's side, to come to an accommodation, which would have bereaved him of that sweet morsel he had been so long labouring for; nay, he discovered so firm a resolution to attain his ends, without scrupling any thing, how severe soever, which could compass them, that those noble lords, who were empowered by the king to treat for him, did acquaint his majesty with the insuperable difficulties they met with in their negotiation, and that they thought themselves bound in duty to let him know that his person was not in safety under the power of a prince, who, by the haughty and rigid conditions he proposed, or rather imposed, and his still marching on, notwithstanding the treaty, did visibly enough discover some farther hidden design. This must certainly be thought warning enough from persons who were even then leaning to the strongest side, and so would not have hazarded such advice, unless forced to it by truth, and horror of the design; or put upon it by the prince himself, to frighten the king away, who was sensible his stay did check his designs, and so was resolved to be rid of his person some way or other.

Upon this the king thought fit to withdraw; and afterwards sent the Earl of Feversham, from that place, with such ample concessions, and such real discoveries of a sincere intention to satisfy his people to the full, that the prince was extremely alarmed upon it, and did plainly see the miscarriage and ruin of all his designs, if Feversham's message should be imparted to the English that were about him; for though there were some, who upon all occasions were forward enough to advise the utmost severities against the king's person, yet by far the greatest part for number, interest, and quality, were at the bottom for an accommodation with the king, which would have settled and bettered the nation; but at the same time would have quite dashed the prince's hopes and expectations; and therefore some bold stroke must be given, that so much patience, so great labour, and so many crimes might not be lost; the public faith must be broken, and Feversham must be secured, without so much as acquainting the persons of quality of the English nation who were about him with it, though all along he had pretended to act by their advice. But in so nice a conjuncture he was afraid to trust to their affection, as knowing very well they would have pryed more than was fitting for his interest into the pretended cause of the earl's confinement, and his message; the goodness of which would certainly have preserved the public faith inviolable in the earl's person, notwithstanding of the crime alleged against him, and continued the treaty; whereas by this method the message was concealed, the treaty was quite broken off, and the king would most certainly be frightened to steal away. After such a series of defection amongst all sorts of people, after such an advice sent by persons whom he had trusted with the most important concerns of his crown and kingdom, after such an open breach of the public faith, and after such visible and open discoveries of the prince's secret designs and unlimited ambition, a passion which never scruples to sacrifice every Remora to its establishment, where it predominates, is there any cool

and rational man will censure the king's conduct in disbanding that army, which had for the most part made a defection from him, and in taking care of his person by a speedy retreat from amongst such wavering subjects, dangerous and disingenuous enemies. But in farther evidence of the king's unwillingness to part from his people, and of the prince's fixed and determinate resolutions to force him to as great a distance as he could, being always jealous of a reconcilement, which would have quite buried his ambitious thoughts and designs, I shall give the world a particular account of the most important steps taken by either relative to their several designs.

The king, when he came to London, sent a message to Sir Thomas Stamp, now mayor, and to Sir Simon Lewis, two eminent aldermen of that city, desiring them to acquaint their brethren, and others of the common council, That he was resolved to put himself into the hands of the city, there to remain until by a free parliament he had given all satisfaction to his people, by securing their religion, liberties, and properties, to the full; hoping that, in the mean time, they would take care to guard and secure his person. The foresaid persons communicated this message, as they were desired; but by the influence and interest of Sir Robert Clayton the offer was refused, and the security of his person would not be assured to him. Here is plain demonstration, both of the king's willingness to piece up with his people, and of the danger which threatened his person. When the king came from Feversham to Whitehall, Monsieur Zuylestein delivered him, at Somerset-house, a letter from the prince, which was designed to have reached him before he came from Feversham; wherein he was desired, but in the style of a command, not to come any nearer London than Rochester: To which the king very meekly returned an answer, "That he would have complied with the letter, had it come sooner to his hands." Can there be any more doubt, after this, of the prince's unjust and ambitious designs, to put such a restraint upon a monarch in his own dominions, whose undoubted title he had acknowledged, both by his declaration and a treaty? This was a piece of haughtiness and insolence above all example, except what his own future practices hath furnished us with.

As soon as the king came to Whitehall, he wrote to the prince, inviting him to St James's, allowing him his own Dutch guards to secure his person, and assuring him that upon their interview he would fully satisfy the intent of his Declaration. But this was no satisfaction to the prince: He had a secret and concealed aim at the crown; and provided he could gain that point, he liked it the better that it were vested with all the power he so much complained of in his Declaration: His conduct since hath sufficiently cleared this to these nations: An interview which was so much desired by the king, did not suit with this darling project; he could neither well ask it, nor expect to have it granted. Besides, he found the torrent of the people's affections, which had run so swiftly towards himself, was then at a stand, and in danger to be turned into another channel, if the king remained at Whitehall, and at liberty to apply himself to the regaining of his subjects hearts; which he was sincerely resolved to court and acquire at any rate, being free from the bad influences and advices of those ministers which were in confederacy with the prince. Upon all which it was resolved that Count Solmes should possess the several posts at Whitehall with Dutch guards, and make the king a prisoner:[1] And about two o'cloch in the morning he received orders from the prince, by the mouths of three noble lords, to be gone immediately from his own palace; and accordingly he was sent prisoner to Rochester, attended by Dutch guards, and all this performed with unspeakable rudeness and indignities done to his person.[2]

[1] The king's guards under the gallant old Earl of Craven, prepared to defend their post, and nothing but the positive command of James himself, who was utterly sunk in despondency, prevented a desperate action between them and the Dutch forces under Count Solmes.

[2] "His majesty being thus in the toils, the three lords deputies from the prince sent the following billet to

He was disturbed at an unseasonable hour, with a sentence of banishment from his own palace, passed upon him by his son-in-law, who pretended only to settle and fix his crown by redressing of grievances, and that sentence pronounced unto him by three of his own subjects, who accompanied it with some unmannerly severities, which their fears of a coarser treatment, if he stayed, put them upon. He was refused his own guards to attend him, and his own coach to carry him to Rochester, though he declared that he could not travel by water in so cold a season, against wind and tide, without greatly endangering his health. Good God! that such barbarities should be practised, and afterwards justified by Christians, which pagans and infidels would be ashamed of.

Whilst the king stayed at Rochester, and during the sessions of those lords and commons who first put the administration of affairs into the prince's hand, and moved for calling of the convention, he sent a message to the present Bishop of Winchester, which he desired might be communicated to the rest of the bishops; acquainting him with his resolutions to come either publicly or privately, and put himself into the hands of my lords the bishops, to be under their protection, until at their sight and by their advice, he had fully settled and secured every thing in a free parliament. This message the Bishop of Winchester did impart to the rest; and their return to it was, that they could not receive him, either publicly or privately, under their protection; for in that case they would be responsible for his safety, and they were not in a condition to secure him against the ambition of the prince, who was resolved to accomplish his designs; and surrounded with so many troops to support him in it, after so many advertisements given him of the danger his person was in, by people who might know it, and whose testimony was not to be suspected, and those advertisements fortified and confirmed, by the prince's strange and unaccountable carriage, in breaking the public treaty, in imprisoning my Lord Feversham contrary to the public faith, thereby to elude the effects of his message in refusing a personal treaty, depriving him of his liberty, putting him under guards, and in banishing him imperiously and unmannerly from his own houses. After so many fruitless applications to the prince, to the city, and to the bishops, only to be secured as to his person, until by a free parliament he had given full satisfaction to his people, can there be any person who is not become bankrupt, as to common sense and reason, who will blame the king for withdrawing, and thereby endeavouring to put himself in safety? And it is evident, notwithstanding all those ineffectual applications, he was resolved upon every occasion to court his subjects to return to their duty: Witness his letters addressed to several members of his privy council; and also that letter written from St Germain's, and designed for the convention of estates, which they would not so much as receive or read.

I would now gladly know after what manner, and upon what account, in what sense, and for what reason the king can be said to have deserted. Desertion, according to common sense and acceptation, is a voluntary neglect and withdrawing his person, care, and influences from attending that administration, protection, and exercise of the

the Earl of Middleton:—'My lord, there is a message to be delivered to his majesty from the prince, which is of so great importance, that we who are charged with it desire we may be immediately admitted; and therefore desire to know where we may find your lordship, that you may introduce, my lord, your lordship's most humble servants, *Hallifax, Shrewsbury, Delamere.*'

"The earl soon appeared in answer to this summons, (which, according to his Grace of Bucks, was rather exacting than desiring admittance,) and introduced them to the unfortunate king, whom they found a-bed, and to whom, after a short apology for breaking in upon him at so unseasonable an hour, they gave the following paper:—

"We desire you, the Lord Marquis of Hallifax, the Earl of Shrewsbury, and the Lord Delamere, to tell the king, that it is thought convenient, for the greater quiet of the city, and the greater safety of his person, that he do remove to Ham, where he shall be attended by his guards, who will be ready to preserve him from any disturbance.

"Given at Windsor the 17th of December, 1688. W. Prince of Orange."—*Ralph, I. 1071.*

government, which is due from him to the people committed to his charge; when no force compelled him, no danger threatened him, and the people were willing to retain him. Is this applicable to the king's case? May not the invading his dominions with foreign troops and an armed power, the imprisonment of his person, putting him under guards of foreigners, and banishing him from his own houses, be properly enough called a force? May not those extraordinary indignities done him by the prince, and those advertisements given him by several persons of quality, knowledge, and interest, of his hard and difficult circumstances, be very well called dangers, according to the common rules of prudence and discretion? With what sense can the universal defection of his children, servants, soldiers, and subjects, the rejecting all treaties, whether personal or by proxy, the refusal of all applications made by him to the city, bishops, and convention of estates, be understood an unwillingness in his subjects to part with him, or a voluntary withdrawing or neglect on his side? We must renounce common sense, and quite invert the nature of things, before a withdrawing so circumstantiated will pass upon the sober part of mankind for a desertion.

Besides, it is a maxim laid down by the author of the Pretences of the French Invasion Examined, p. 4. l. 3, and downwards, "That where a king or queen is submitted to and owned by oaths, and other methods required in such cases, the king himself is not at liberty to give up his own power, and consequently cannot desert, much less can the people wrest it from him. A man hath himself much more right to lay down that power which is legally vested in him, than any other person or persons can have to take it from him." I hope this learned gentleman will allow us the benefit of his own maxim, which we are willing to admit of. It cannot be denied King James was submitted unto, and owned by oaths and all other methods required in such cases; and so not at liberty to give up his own power, though never so willing: And consequently this pretended desertion must march off the stage according to the author's own rules.

But the disbanding of the army, in the sense of this author and others, was so illegal a step, that it must pass for his dissolving of the government. Why, truly, common prudence advised the discarding of an army which had dealt so treacherously with their prince and benefactor: And I would gladly know what statute this measure of the king's trespassed upon. I challenge the author to point it out to us. I have heard it alledged that the king could not raise and maintain an army without the consent of parliament: But his power of disbanding was never yet questioned, much less made a crime: If the first be justifiable, the last must be much more so. From what has been said, I hope the desertion is quite shut out of doors: The reasons adduced make unanswerably against it; and the pamphleteer's own maxims knock it dead without mercy, by which the greatest part of the author's pamphlet and reasonings falls to the ground, since he goeth all along upon the supposition that the people were still willing to have acknowledged his rights and secured their own, to have treated and come to an accommodation with him; as also that the prince never proposed any thing, but to have grievances fairly redressed, which was still insisted on by the prince and people in the most humble and usual methods: But that the king wilfully deserted, threw up the government, refused all treaties, and left them in a perfect anarchy, to shift for themselves. The falsity of all which is already plainly enough demonstrated, and the abdication must halt, having lost the better half of its foundation.

I come next to examine the mal-administration, which makes up the other part of this structure; in prosecution of which I do not intend to play the advocate, to defend and justify any breaches made upon the laws and liberties of my country: I am as tender of those great concerns as any man can be; I love them as well; I value them as high, and shall be always ready to hazard as far for their establishment, as a good Englishman, who knows their worth, ought to do. And perhaps I have given better evi-

dences of this, than the authors of these pamphlets can bring for themselves, notwithstanding their fustian words and high pretences.

But mistakes in government will be slipping in under the best reigns; and it is not every error can furnish a good reason for such important revolutions, such general defections, such deviations from that duty which is due to princes from the obligation of oaths, the ties of nature, and the laws of the land; and for dethroning of kings, inverting the nature of the monarchy, and the interrupting the royal line and succession. Such alterations have been accompanied in all ages with such confusions, convulsions, blood, ruin, and desolation, that nothing but the necessary rescue of the government itself, and of all the public and private rights which are wrapt up in it, from a clear, plain, visible, undeniable, and otherwise unavoidable ruin and destruction, with a certainty and conviction that the remedy proposed will prove feasible and successful, without running us into the same dangers and difficulties, can furnish the least shadow or pretence for experiments which are to be attended with such dangers, founded upon the breach of so many sacred ties and obligations, and supported with such expence of blood and treasure.

We ought to be very sure, that the errors complained of would certainly have overturned all foundations, and entirely robbed us of our rights; that those errors did certainly arise from the natural disposition of the prince himself, obstinately and incorrigibly bent to pursue them to the utmost, whatever the consequence might be, and not rather from the impulse of corrupted ministers, from a design to ruin him, and make a property of us, in serving the ambitious but gilded pretences of some other person, before we run headlong into such measures. But alas! I am afraid we are not able to stand this trial, which every cool and thinking man must allow to be very reasonable; and upon an exact and impartial enquiry, it will be found that with all this bustle, noise, blood, treasure, and pretence for public good and liberty, we have been destroying what we have built up; grasping unsuccessfully at that amidst the dangers, cruelties, and expences of a war, and with the breach of so many sacred ties and engagements, which we might have insured to ourselves and posterity with much ease and innocence; and wreathing a yoke about our necks, which will gaul and pinch us more severely than what we endeavoured to throw off.

The mal-administrations charged upon King James by those pamphleteers, are shortly summoned up by them in the "western severities, the high commission, the turning out of office all good protestants, the attempting to reverse all the penal laws, the putting unqualified men into places of trust, profit, and power; the exercise of the dispensing power, the excluding the fellows of Magdalen College, and putting in papists; with the imprisonment and trial of the bishops." It seems these authors are of opinion that any reasons, how weak and unconclusive soever they be, should pass as good coin upon us, since they come from such magisterial and florid pens. But if they designed that their authority alone should pass for reason amongst us, they ought to have subjoined their names, to add thereby some value and weight to arguments and grounds, by far too weak in themselves to support so lofty a building as is founded upon them. Some of the misgovernments here enumerated, which I have exactly copied from p. 6. l. 8. and downwards, of The Pretences of the French Invasion Examined, are false, others maliciously aggravated, and the rest the king was forced upon by the importunity of ministers, who were gained by the prince, and offered such advices only with a design to render him odious to the people, and thereby to dispose them for this happy revolution, which hath since fallen out. But to examine them severally:

As to the western severities, I believe it will not be denied, even by this government, that the Duke of Monmouth his invasion was a rebellion; and that the lives and fortunes of all engaged in it, were, by the laws of the land, forfeited to justice. I am heartily sorry that so much blood was shed by the hands of the common executioner;

but it is very well known to many persons of honour and quality, that those great severities were only to be ascribed to the insolent and cruel temper of Jefferies, Pollexfen, and Kirk; that the king himself was extremely offended at it, and immediately put a stop to their proceedings so soon as he was acquainted with them: And it is strange enough how this comes to be charged so home upon King James by the champions of this government, since King William, by his advancing and employing of Kirk and Pollexfen, hath plainly discovered to the world, that either he did not look upon those severities to be unseasonable or criminal, or else that he loved them the better for their cruel and bloody disposition, as fitter for his service and designs, otherwise such butchers would not have been countenanced by a reforming hero.

The high commission court I will not justify: But we know very well who advised it, and we see one of the most active members of it in a fair way of preferment now; and certainly our present king would not honour such a man, or trust his affairs into his hands, if he looked upon that commission to have been a good ground for abdication.

The turning out of office all good protestants, and the putting of unqualified men into all places of trust, profit, and power, is a large strain of eloquence, which, though like the usual flights of the supposed author, is too light and false for so grave and weighty a subject: For many places of profit, trust, and power, were kept filled with good and zealous protestants; and we know to whose councils and advices, and at whose door we must charge the filling of so many places of trust with unqualified persons. If an Earl of Sunderland and Lord Churchill had not been ministers of state then, perhaps the Loo had not yet been exchanged for Kensington.[1] It is to their faithful councils and influence we owe the advancement of Father Peters to the council board; the new modelling of the Irish army and government; the Magdalen College reformation; the regulation of corporations; the closetting; and the imprisonment and trial of the bishops. And if so, there is a certain prince who is really more guilty of those miscarriages than the abdicated monarch, since he was the main engine who set those noble lords to work; and I am afraid his conduct since, when examined, will in a great measure make good the charge.

It's natural enough for a prince to carry some little favour to those of his own religion, and easier for a treacherous minister to trepan him into more indulgence for them, than the laws can well allow; and those two lords being entirely devoted to the advancement of the prince's designs, did employ their utmost interest with the king to bring him into all those measures, which did so much favour and precipitate this revolution. There were some faithful servants, who quickly discovered the roguery of this, and stoutly made head against it; but a blind zeal having betrayed the new converts into those measures, and the time-serving courtier being joined with the pack, roguery became too hard for true honesty; and yet it was with great difficulty, and matchless importunities, the king was wrought upon to do several of those things which were the only important errors. It is well known that it was with no small trouble he was prevailed upon to admit Peters to the council-board. And as to the regulating of corporations, the king gave his opinion against it to the very last; and I dare appeal to the Earl of Bath, whose testimony is not to be suspected by this government, if in his access to the king about the regulations, in those countries were he was lieutenant, he did not discover the truth of what I here assert, from the king's own complaints to his lordship; "How greatly he was importuned to give way to those miseries, from which, in his own judgment, he was so averse."

We might have continued ignorant, in a great measure, of the particulars of all this fine Christian policy, if upon the revolution these honest agents in so good a work had

[1] Kensington was King William's favourite residence for the benefit of the free air; that of St James's was injurious to his asthmatic complaints.

not (by boasting of their several merits, diligence, and activity in betraying an honest-hearted prince, and so the more credulous to his own ruin) discovered all the steps of this intrigue; but in the opinion of some, every thing is lawful for the obtaining of a crown. If it be alleged, that most certainly the prince never dreamt of the crown of Britain until it was presented to him, as a reward from a grateful people for their deliverance, his promises of places at court, and governments of forts, before he came from Holland, which were only in the disposal of the King of Great Britain; his imprisonment of the Earl of Feversham, who was a publick messenger and peer of England, and under the cognizance of none but the king; his imprisoning and banishing King James from his own palace, though acknowledged as the just monarch by his own declaration; his banishing the French embassador out of England as soon as he came to London, and before the administration was put into his hands, by which these kingdoms were engaged, without their own consent, in a war with France, without so much as any pretence of entertainment given to their abdicated monarch, being a considerable time before King James's retreat thither; were direct, positive, and most solemn acts of sovereignty, before ever the crown was conferred upon him, and are so many plain and evident indications of that early ambition I have charged upon him. And in farther evidence, that all his designs, from the very first, were aimed at the crown; and the crown vested too with most towering prerogatives. When the convention was deliberating upon some future provisions against arbitrary power, the prince sent my Lord Wharton to several lords, and Mr Coulin to Sir Edward Seymor and Mr Hambden, and other commoners, to let them know, "That if the house insisted so much upon limitations, that he would return again, and leave them in the lurch to the mercy of King James:" So generously tender was this great deliverer of our religion and liberty. As to the dispensing power assumed by King James, I do not pretend to justify it. I am heartily sorry that so bad a measure was taken to carry on and establish so desirable and necessary a good and birth-right of mankind as liberty of conscience, which carries its own native beauty and usefulness so visibly stampt upon it, as could never have failed to obtain an establishment from the reason and judgment of an English parliament: But this would have so much united the hearts and affections of English subjects with their king, and laid such an invincible rub in the way of the prince's ambitious designs, that it became one of the nicest and most ticklish points to manage, the hardest to ward off, and the most dexterous and artful part of their game; there was no downright opposing of so general and desirable a good; it was easier to poison and divert it. The king was first put upon establishing this liberty by a proclamation, that so the parliament might be prejudiced against a thing which otherwise they would have granted, upon the account of the first measure taken about it; but finding that the general good and benefit, which was to be reaped from this liberty, would have digested and sweetened this pill; from a pretence of saving the king's honour from a foil, and making all sure, though really with a design to ruin him and baffle the thing, they put him upon the regulating and closetting projects, and upon obliging the clergy to read his proclamation for Liberty of Conscience from their pulpits. This did alarm the bishops, as was designed, and obliged them to think upon petitioning against it; upon which, those Boutefeux being afraid lest the king should call in his proclamation, having always found it hard enough to bring him to such methods, they ordered the business so that the bishops were so long in presenting of their petition to the king, that, though their reasons had convinced and satisfied him, there was not time enough to countermand his former orders, though never so willing. Upon which they took occasion to incense the king against them, as if they had delayed their petition so long with design to embroil him with his people; and so they run the bishops into the Tower, and from thence to the bar.

This is the true history of the dispensing power, and of the bishops' persecution,

which was so warmly and bitterly urged against the king, as undeniable proofs that his inclination to catholicks was too strong for the laws. But to speak plain English, I hope those stretches in favour of catholicks, which were criminal in King James, are not become more legal and meritorious in King William; the exercise of the dispensing power in their favours, I hope, is as much a fault now as ever. The charge will be denied; but I shall make it good when I come to discourse upon the third motive to the king's restoration. Are not catholicks employed now in the army, though not qualified by law? It will be alleged they are foreigners; so much the worse; for an English catholick will still have some regard for the laws and liberties of his countrymen, where a mercenary foreigner is absolutely at the disposal of his master. Are not the catholicks as much countenanced, and in the exercise of as much liberty for their religion, as ever? The necessity of humouring a confederacy, which must support us, the great strength of which are catholicks, may be urged as a very good reason for this; but if we examine it to the bottom, this threatens our religion more than any indulgence was granted them by King James. When the catholicks of England hold their liberty merely from the favour of the protestants of England, they must be thankful for it, and humble under it; but when they come to derive their favours, immunities, and liberty, from the necessity of our circumstances, and humble regard and deference we must pay to catholick princes, without whose assistance and friendship we cannot subsist; their spirits, hopes, and haughtiness will be enlarged by it. They must make grateful acknowledgments to those catholick princes, by whose kind influences they enjoy their liberty. This begets a correspondence with, and dependence upon, foreign princes; and we do not know how far, by the instigation of catholicks here, those princes may be prevailed upon to improve the necessity we have of their alliance, to the advantage of those of their own religion amongst us. The house of Austria, within our remembrance, was the most zealous champion for the Roman religion, and the dependence of the catholicks of England upon that house hath been always terrible and troublesome to this state: and though their losses, and the growth of France, hath humbled and levelled all the towering thoughts and ambition of that family, which did so much exercise both the councils and forces of their neighbours, yet since by our assistance that house is to recover its losses, and France to be reduced within its ancient bounds, with their lost provinces, the house of Austria may resume their old designs: They were but covered up, not extinguished; concealed, through weakness, to be discovered upon a greater increase of strength and vigour; in which case we may come to be whipt for our present politicks.

May the great God avert those dangers and difficulties which environ us, and visibly threaten the religious and civil concerns of these kingdoms. We have been pulling destruction with both our hands upon ourselves, and desperately risking our religion and civil rights without any necessity; and unless we repent, and repair these errors, the punishments we deserve will certainly overtake us. We have turned away our king, whose right and title was certain and unquestioned, nay, we have chased him from us with unspeakable indignities, upon the pretence of errors in government, which he was put upon by the artifice of his enemies, and which he was willing to have repaired at our own sight: He courted us by repeated applications to carve out our own securities for our religion and civil rights, but we have obstinately refused any treaty with him. We have set ourselves up for a mark of reproach to future ages, by our foolish and invincible malice and matchless impudence, in vacating a throne by a pretended abdication, which imports a voluntary resignation; and yet the abdicated monarch never made any, but asserts his title to this day. We have grounded this abdication upon a wilful desertion in our prince, when we forced him away for the preservation of his life; and upon mistakes in government, which he was trepanned into, and which he was willing to have repaired, but we would not; as if every error in govern-

ment had been a sin against the Holy Ghost, which neither can be atoned for, nor forgotten. The injury done to our sovereign is very visible from what I have written, and so reparation ought to be speedily made, notwithstanding all the reasons given by these two pamphleteers against it. But before I enter upon answering their objections, I shall discourse upon the other three motives assigned for the king's restoration, and make them equally plain with the first I have already handled, which will in a great measure prevent or take off all objections can be made.

The second motive was the settling the government upon its old basis; which is visibly interrupted and quite unhinged by this abdication. We have turned our hereditary monarchy into an elective; we have cut the royal line, interrupted the succession, and destroyed the just rights of innocent persons, upon a pretended abdication, which, though well founded, is but personal, and cannot be extended any farther. To this it is answered by the author of The Pretences of the French Invasion Examined, p. 16. l. 1, and downwards, "That the breach, as to the person of the reigning king, was made by himself, having deserted; that the convention did not make, but found the throne vacant; that in regard there were so many clear indications of the imposture of the Prince of Wales, the convention applied to the present queen, who was the next and undoubted heir, and at her request a title was given to her husband, and that only for life, though he was much nearer in blood than Henry IV. and Henry VII. successively made kings of England; that much greater breaches have been made, since the Conquest, in the lineal succession, by deposing the reigning king and setting up his son, or a remoter person, which he acknowledgeth an injury to the king so deposed; and that the saving the succession to the Princess of Denmark and her heirs, shews how far the convention was from any such thing as is alleged."

By such reasonings the author of this pamphlet discovers but small knowledge in history and the affairs of his own country; little judgment and veracity, joined with a great deal of disingenuity and impudence. How truly the breach made in our monarchy, by the abdicating vote, is to be laid at King James's door, upon the account of his desertion, may appear from what I have already said: And though this author doth very confidently assert that the throne was void by desertion, it seems the convention were not of that opinion, but found it necessary to declare it so by a vote, before there was access to fill it again; and the Earl of Nottingham was then quite another man, and of other principles, than we find him now, as an author, or licenser only. A regency was not in the leas :in to a vacancy. But to humour the author, suppose there was a vacancy, either before or after the vote, which he pleaseth; a vacancy in a monarchy is a certain infallible mark of its being elective: For in an hereditary monarchy, such as this of England, upon the natural or civil death too (if the author pleaseth) of the regnant monarch, the right of the next successor doth immediately take place; and the people, whether by their representatives in parliament, or otherwise, do humbly submit to and acknowledge, not declare and authorize, his native title. Our law books teach us, "That the kings of England can never die:" the meaning is, that in an hereditary monarchy the throne cannot be without a possessor, were it but a moment; so that where either there is the least vacancy, or where the next possessor wants a sentence of the people to give him a title, that very sentence, however disguised, is an election, and, together with the preceding vacancy, doth certainly and indispensably stamp the monarchy elective.

Is it not highly impudent in this author to tell us, that there are many clear indications of the Prince of Wales being an impostor; and, at the same time, not to let us know what they are, and upon what grounds they are so clear and evident? Can this author be so vain as to think we must take his word for a thing upon which so much depends, no less than justice, or injustice, of a sentence, which must stand the nation in so much blood and treasure, so many perjuries and repeated acts of violence and oppression, to

support and maintain? Or doth he therein follow the example of the Prince of Orange in his Declaration, which tells us of many just and visible grounds of suspicion that the Prince of Wales was not born of the queen, and refers the enquiry of that truth to a free parliament? King James also hath made the same reference in a letter from St Germains, nay, desired the last parliament to look narrowly into that affair; and yet the prince hath never to this day desired the parliament to fall about this important search, nor acquainted us with any of those just and visible grounds of suspicion. Is it not very strange, that the only plausible pretence in all the declaration for his undertaking, should be so much overlooked, when a clear and plain discovery of such an infamous cheat and imposture would have fully justified the proceedings of the convention of estates, the present settlement of the crown, given us all peace of conscience and satisfaction under it, and would really and truly have abdicated King James for ever in the hearts and affections of every honest Englishman? The prince in honour was concerned to have pressed it, and the supreme senate was obliged in honour and justice to have made a full discovery of the truth or falsehood of it, especially when they have been so much pressed and challenged, as it were, in the face of the world to fall about it by King James, and humbly petitioned so to do by several persons of honour and quality in October, 1690, and which was delivered into many of the members hands; besides the times and circumstances of affairs were the most seasonable for such an enquiry. It was not to be supposed that the witnesses could either then be bribed or over-awed into a partial testimony; and there was all imaginable encouragement for freedom of questions for confronting the deponents, and producing counter evidences, if there were any such; so that the whole matter might have been laid open and cleared to the satisfaction of all persons concerned. The vindicating the honour and justice of nation; the quieting of so many people's consciences, who think themselves bound by their oaths of allegiance to the king's next and immediate heirs; the regard due to an innocent child, if the imposture be not cleared; the satisfaction of the Christian world, and the securing these kingdoms from those great dangers and confusions which are certain and infallible upon competitions in point of the royal succession; were great and unanswerable motives for an enquiry, nay, amounted to the weight of a duty due from them to their constituents, themselves, and posterity. What can any thinking man conclude from such a neglect and omission, but that the evidence for the reality of the Prince of Wales his birth was clear and convincing, and the counter evidence, which was pretended against it, false and forged; that the Prince of Orange in his declaration had rather studied to amuse the world with great and specious pretences, than to satisfy them as to the reality and truth of his grounds; and that the convention and parliament have followed the dictates of passion and prejudice, more than the rules of prudence and justice. It cannot be supposed they forbore to trace this imposture from any tenderness to the king's reputation, which would have been so deeply wounded by a discovery of the cheat: So much time and pains spent unsuccessfully in laying open the Earl of Essex's pretended murder, shews evidently how glad they would have been of any occasion, or probable pretence, whereby to blacken King James.

So that the nation must even rest satisfied without any further evidence of this imposture, than some pretended suspicions which were both groundless, and raised industriously by those publick agitators for this revolution: As for instance, the Princess of Denmark being forced out of the way to the bath at the time of the queen's delivery; whereas it is very well known, and can be made appear, by persons of undoubted honour and integrity, that the king was against it, that her physicians in ordinary were against it, and that pains was taken to search about for physicians who would advise her going, as expedient for her health; so early were they contriving pretences for this calumny. But the Prince and Princess of Orange were all along suspicious that the

queen was not with child, and yet no care was taken to satisfy them about it. Did they ever acquaint the king with their suspicions, and desire some method might be taken to remove them? and were they refused? This was the proper and usual way in such cases; and since it was not taken, there is no ground for complaint. The king could not dive into suspicions; which, in my conscience, I am persuaded they never entertained. And, lastly, it is alleged no care was taken to satisfy the nation, who were full of doubts about the reality of his birth. But why did they doubt? Were any methods neglected which used to be observed? Or any persons secluded who ought to have been present? Did they give any intimation of their suspicions by humble petition or remonstrance, and desire to be satisfied about 'em? The queen had formerly brought forth children without any pretended jealousies. Who could foresee that such a black and hellish calumny would be then invented? Yet the wisdom of God Almighty knowing how far the wickedness of this age would extend, and as an earnest, I hope, of his good and kind intentions to this nation, hath providentially furnished us with a better and more numerous evidence of the birth of this prince, than can be brought for the reality of the birth of any prince, or private person, in Europe; and hath yet fortified and confirmed it by another conception and pregnancy of the queen's, to the birth of which child many persons of all qualities have been called and invited in an extraordinary manner, so willing is the king to satisfy even our malicious groundless complaints. But it seems our rulers have no doubts upon that head, in which they desire to be satisfied, or find it not for their interest to have them cleared.

From what hath been said, it is evident that there is a real Prince of Wales, who must be considered as such so long as the pretended imposture is not cleared to us, and who hath injustice done him by the convention of estates; for though the abdicating vote were well founded against the father, it was only personal to him, and cannot reach the son: In which case, the Princess of Orange's right being only from the gift and by the election of the people, is a manifest breach of the royal line, and hath quite altered the nature and frame of our hereditary monarchy. As to the title given to the prince during life, at her request, the Princess of Denmark, by the rules of succession in an hereditary monarchy, is unquestionably next heir to her sister the Princess of Orange, if she die without children. By the survivancy of royalty lodged in the prince after the princess's death, there is manifest injury done to the Princess of Denmark and her children; there is another unquestionable breach made upon the royal line, and the ancient constitution of our monarchy; and there is a second election of a monarch by the convention, to the prejudice of the next undoubted heir, lest the first instance had not made a strong enough precedent for an elective monarchy for the future. And whereas it is pretended, that the prince had his title at the request of the princess, who was the next heir, and willing to give him place, where is this request and concession of the princess to be seen? When was it presented to the convention, or where is it recorded? but though it were real, what is that to the Princess of Denmark and her heirs? Can a compliment, intended by the Princess of Orange, from herself to her husband, cut off their rights? Again, is it not evident that by such a request it's confessed the present settlement of the crown is by the election and from the gift of the people, and plainly acknowledged that there is a right in them to alter the succession, and make a breach of the royal line at their pleasure?

But it is alledged we have the practice of our predecessors to warrant our present measures, who have made much greater breaches in the lineal succession, deposed kings, and given the crown to persons remoter from the royal blood than the Prince of Orange; and that in the cases of Henry IV. and Henry VII. In this the author discovers himself to be ignorant of the history and affairs of his own country, in mistaking the case of Henry IV., in giving us an instance in Henry VII., of a breach of the lineal succession, to the prejudice of the surviving king and next heir, since it is

very well known that Richard the usurper was killed in battle, and left no heir behind him; and King Henry being undoubted heir of the house of Lancaster, by his marriage with the heiress of the house of York, united the two roses, and had an unquestionable title to the crown, without any breach in the lineal succession: And also in omitting to give us the instance of Edward III., which are all the examples our history affordeth, and are very far from making a precedent in our case. Edward III. was the eldest son, and undoubted and nearest heir of the crown; and though he mounted the throne during his father's life, yet it was upon his father's resignation: And though he had all the heat and ambition of a young man, and discovered during his reign, a largeness and greatness of soul more than ordinary, yet he constantly refused the crown until his father's resignation was obtained. This can be none of those greater breaches of the succession, hinted at by our author; and doth not at all suit the case of King William: And Henry IV. makes as bad a precedent for our practice. King Richard II. resigned in the favour of Henry: had no children to be prejudiced by his resignation: King Henry was the next heir, the pretences of the house of York being not then set on foot; but that family acquiesced in his right as well as the rest of the kingdom: So that our own histories can as little furnish us with examples to justify our present practice as those of other nations. If in the instances assigned, the horrid violences of Richard the Third, the mal-administrations of Richard the Second and Edward the Second could not, in the opinion of this author, warrant their dethroning, from the character of injuries done them, he must certainly be jesting all along with us in his pamphlet, in justifying an abdication for less and shorter errors; and the tory Nottingham is forced at last to peep out from under his republican disguise.

As to the pretence, "That by saving the succession to the Princess of Denmark and her heirs, the convention hath sufficiently shewn how far they were from designing any alteration in the succession, or the ancient constitution of our monarchy," it is equally weak and frivolous with any of the rest, and lays a foundation for another election, as it is expressed in the vote: For the provision is not to the Princess of Denmark's heirs simply, as the author falsely and disingenuously represents, but runs thus, "To the Princess Ann of Denmark, and the heirs of her body;" which failing, to the heirs of the body of the said King William, which excludes all collateral pretenders of the Orleans and Palantine families, who would have been comprehended under the general notion of heirs. It was not possible for the wit of man to contrive a vote, which in so few words could more visibly alter the nature of our hereditary monarchy, make more and stronger precedents for an elective, occasion more interruption in the succession, and lay a better foundation for the like for the time to come. For in this sentence we have a breach in the person of the reigning king, by the abdication; we have another breach in the person of the Prince of Wales; we have the people conferring the crown by election upon the Princess of Orange, to the prejudice of that prince his title; we have a survivancy of the government settled in the Prince of Orange, by a second act of this elective power of the people, to the prejudice of the Princess of Denmark and her heirs, which makes a third breach in the succession; and lastly, we have all the collateral heirs of this crown quite cut off by the entail; by which the monarchy is to be extinguished, or a series of elective monarchs buckled upon this nation, as strongly as those good patriots could do it by their sentence. Let any wise and thinking man judge, if this be not such a palpable and visible unhinging of all the ancient frame and constitution of our glorious monarchy, as deserves the warmest endeavours and most diligent application of every honest man, for the settling of this our ancient English government upon its old basis, by the restoration of King James.

The author of A Letter to a Friend concerning the French Invasion, did certainly foresee these difficulties the former author had run himself into; and being unwilling to shipwreck his reason upon such gross absurdities, he broadly hints at conquest: And

in this he but seconds the author of the Answer of the Paper delivered by Mr Ashton at his Execution,* licensed by a secretary of state; who boldly, and without disguise, pleadeth upon that title. This plea, though it be not liable to the same absurdities with the other, yet labours under greater; since by one blow, and with one dash of his pen, he levels at the birth-rights of the subjects, as well as of the monarch; and endeavours to extinguish the freedoms of Englishmen, as well as the antient government; and certainly to entail upon and place us actually under that slavery, the fear of which is the best reason they assign for restraining us from assisting our king in his return; as if such remote fears of slavery were more dreadful than present servitude, which is the necessary consequence of conquest. These champions make very bold with their prince, and wound his honour and interest deeper than the keenest enemies could do: Such blunders must fall in, when men reason rather from passion than from steady and generally received maxims, and labour to defend a deeply-tinctured republican revolution by tantivy monarchical principles.

It is strange to see a man who is endued with a rational soul, whose greatest prerogative and excellency consists in a clear, unbiassed, and distinct exercise of reason, so blinded with foolish prejudice, as, rather than submit to plain and convincing truth, chuse to betake himself to this unaccountable notion of conquest, which is absolutely inconsistent with the prince's declaration, destroys the maxims and grounds upon which the convention of estates (from whom the prince derives his titles) did proceed; overturns the subjects' claim to rights and privileges, the pretended care of which is the best support of this government; brings home to our fancies and imaginations the most frightful ideas, which a free-born people can form to themselves of tyranny and slavery, with all the terrible and desolating consequences which attend them; and consequently lays us under obligations, from a due regard to ourselves and posterity, and duty to our country, to shake off the yoke with all speed, though with never so much hazard and difficulty.

The prince in his Declaration, after an enumeration of grievances, assures us, "He came for no other design than to have a free and full parliament assembled, and the elections made and returned according to the antient forms; and that the members of this parliament should meet and sit in full freedom, until such laws be prepared as the two houses should concur in, and find necessary for maintenance of the protestant religion, and securing the peace, honour, and safety of this nation; that there may be no more danger of falling at any time under arbitrary government; and that he had nothing before his eyes in this undertaking, but the preservation of the protestant religion, the covering of all men from persecutions for their consciences, and the securing to the whole nation the free enjoyment of all their laws, rights, and liberties, under a just and legal government." For the accomplishing of which, since he had only brought a force with him for defending his person "against the violence of evil counsellors," all the peers of this realm, lieutenants, deputy-lieutenants, and others of all ranks and degrees, are invited to assist him against all who shall endeavour to oppose the redressing of violences done to the constitution of the English government. These pretences can never be adjusted to the notion and title of conquest. The nobility, gentry, and commons of this realm, acting in a free and legal parliament, for the securing of their laws, rights, and liberties, under a just and legal government, neither can nor will ever design it.

I will charitably suppose the convention of estates, and their constituents, did believe they had valuable rights and privileges, their religion, liberties, and properties,

* Ashton was executed along with Lord Preston, in the year 1691, for a treasonable intercourse with the court of St Germains, and a plot to relieve James II. He suffered with great firmness, and left a dying speech avouching his principles, to which various answers were made by friends to the Revolution.

which were derived and secured unto them from positive statutes and laws of the land, as well as from the dictates of nature and original contract; that those rights and privileges were invaded, and in danger to be lost, which made them run into that general defection, and make a present of the crown to the Prince of Orange, as the only expedient they could then think of. So long as the prince's title runs in this channel, they are at liberty when they please to review those measures, examine the grounds, and upon a rectification of their judgments, and conviction that their beloved rights and privileges may be better secured under their antient monarch, to betake themselves again unto him. *Sublata causa tollitur effectus.* Or they may enquire into the conduct and government of the prince, whether it quadrate with the original contract they made with him; whether their rights and privileges have been entirely preserved; and if they can discover any bad influences or aspect towards liberty and property, then to make a sacrifice of the workmanship of their own hands to a fresh establishment of those sacred and venerable rights, by the maxims of this last revolution; "the interest of the people is paramount to that of the prince."

But if conquest takes place, then adieu to rights and privileges, liberty and property. The old musty statute books and records of Westminster-hall and the Tower may be committed to the flames as so much waste paper: His will and pleasure must be the law whereby we are governed, our liberties must lie at the mercy of his ministers, and our properties must be committed to the stewardship of his soldiers. Let us examine the condition of conquered people and provinces, from ancient and modern history. The old government, laws, and customs which they had been inured to from their infancy, recommended and endeared to them by long use and acquaintance, must be swept off the stage; strange orders, strange customs, strange ministers must take their place: Our persons, our liberty, our estates, and all our most valuable earthly enjoyments, must lie at the mercy, pleasure, and will of the conqueror: Industry and virtue will vanish, there being no reward for them; for a conquered people must aspire no higher than to learn to obey submissively, and to eat the bread of tribulation and affliction with patience: The care and desire of posterity will languish, being unwilling to beget children to become slaves and miserable as ourselves. The Indian women strangled their own children after their birth, that they might not become servants to the Spaniards; and Dutch severities will be found nothing short, upon the record of history, of Spanish cruelties. The annals of all nations can furnish us with dreadful instances of the unspeakable miseries of a conquered people: We may find those examples of the calamities of that condition, which would make us embrace death for a favour, and be able to sink us into utter despair, unless at the same time these very histories had given us a view of the strenuous and successful endeavours of those generous and worthy spirits, who have despised dangers, difficulties, torments, and death itself, for the rescue and deliverance of their country and fellow-subjects. The greater and more terrible the dangers were, the more vigorously and undauntedly did they court them, when they were in pursuit of so glorious a quarry. The efforts of conquered nations for the recovery of their lost liberties, stand fairest upon the records of fame, and are handed down to us with the greatest exactness and encomiums; as if our ancestors had judged it necessary, and all writers had conspired together to rouse up, when occasion called for it, that desire of liberty which was born with us. If conquest must be forced upon us as our present lot, I hope all true Englishmen now will discover as great a sense as any upon record, of a vindictive duty to their country, and love for their liberties, be as tender and careful to transmit them safe and sound to their posterity, as their ancestors have been vigilant and active in handing them down to them; that they will be no less careful of the ancient government and monarchy of this nation, than of their own particular rights; since every blow which reaches the one must certainly wound and endanger the other; and that it shall be impossible to make the

English a conquered people, because they will generally chuse not to be, rather than to be slaves.

It may be alledged that all that I have said upon conquest might have been forborne, since the king sets up for no such title; perhaps it is not seasonable to do it; But to have conquest so publicly pleaded for in pamphlets, written or licensed by secretaries of state, and that without any check or punishment from the prince is very suspicious, especially if upon examination of those oppressions which we suffer under the present king, we shall find his conduct smell rank that way. If we be treated as a conquered people the misery is still the same, or rather greater, though the prince who deals so by us should be called a reformer.

It being made evident and plain, that King James was highly injured, and the antient government quite unhinged, by the sentence of abdication, and our late measures, I come next to examine how exactly the prince hath fulfilled, and made good unto us, the pretended ends and design of his Declaration; how well he hath kept the original contract we made with him; and what benefit we may expect to reap for the future by this revolution. I shall take his conduct in both kingdoms jointly under consideration, since he hath not only united them in the same Declaration, but likewise issued out a Declaration apart for Scotland; intimating thereby, "that the oppressions in that kingdom were more weighty and numerous than here; and that the arbitrary designs of our prince did always first commence there to make a precedent for this kingdom and that the conduct and posture of affairs there did always certainly prognosticate to the curious observer, what was designed to be copied and executed here." I do not pretend to give a particular detail of the present administration in that kingdom; but there are some considerable errors have been acted there which have made a noise, and raised such public complaints there, as hath conveyed the knowledge of them here to us.

The assuming a power of dispensing with the due execution of laws, enacted by king and parliament for security of religion, liberty, and happiness of the subject, is much urged against King James, as a great motive to the prince's undertaking. A dispensing power assumed by any prince, doth fatally threaten the liberties of a people where it is practised, and makes them tenants at will for those privileges which the laws of the land have given them a freehold in. This is really such an important point, and of such consequence for the subject to have been cleared, that it was indispensably the duty of a reforming prince, convention of estates, and parliament, to have decided this controversy, and placed such marks and boundaries for the future, so plain and obvious both to prince and people, that each might have known their particular rights, and governed themselves for the future accordingly. But our parliaments have thought fit to leave it where they found it, dark and undecided to this day; and the prince hath discovered he was well enough pleased with this omission, by taking as large and broad steps that way, as any can be charged upon King James.

The Irish treaty[1] furnisheth us with a convincing proof of this; where such indulgencies were granted unto them solely and singly by his own authority, with relation to the exercise of their religion, preserving of their arms, dispensation from oaths, and security against pursuits for their plunderings, as were directly contrary to the laws of the land, the safety, rights, and privileges of the protestant subjects of that kingdom. This treaty, I do acknowledge, was afterwards ratified by parliament; but though in some cases the authority of parliament may give a legal being for the future, yet that new life commenceth only from the date of their sanction, and doth not justify

[1] The celebrated treaty of Limerick, which the Roman catholics of Ireland regard as the charter of their religious liberties. The protestants of the north were much dissatisfied with the liberal terms assigned their opponents.

preceding errors; and the many difficulties which arose in both houses about the ratification, was a clear *innuendo* how dangerous and illegal they judged the treaty to be. How strangely are we altered? King James's exercise of this dispensing power, could neither be forgotten nor atoned for; but King William's stretch that way shall obtain a parliamentary approbation; such is the justice and unbiassed integrity of these times.

But we need not look so far as Ireland for instances: We have our personal liberties secured to us by positive and express statutes, and methods appointed by our law, whereby to recover our liberties when lost, with such severe animadversions against those who obstruct the due course of law in obtaining of our freedom, with such great and considerable damages appointed in that case, as plainly enough points out unto us the value and worth of this true English privilege. It is the choicest piece of our *Magna Charta*, and original contract; and, for my part, I should much rather allow a prince to dispense with penal statutes, and issue out a proclamation for liberty of conscience, than to sport himself at pleasure with my personal freedom; without which there can be no relish in any other enjoyment; and yet there never was a reign wherein our birth-right in this hath been more abused, spoiled, and broken in upon. The English subjects have been put into proclamations, and clapped into prisons for high treason, and refusing the benefit of their *habeas corpus*, though there was no information upon oath against them, according as the law appoints to warrant such a procedure: nay, so grossly, frequently, and impudently, have our public ministers affronted the laws upon this head, that they have found themselves obliged to apply to parliament for pardon: For we have found out a new trick in this government, and reforming age, first to act all imaginable violence against the best and choicest of our laws, and then to obtain either a ratification or pardon in parliament; whereby they have struck our English constitution, and the liberty of the subject, dead at one blow, by debauching our parliaments into a confederacy against, (in place of protecting,) the liberties of the people, and so making the nation as it were *felo de se*. No period of history doth furnish us with such wholesale merchants for our best and most valuable rights; neither do we know when this trade shall be at an end, or when our rulers will be weary of tricking us out of our liberties. We have a fresh instance of late of the knowledge and learning of our judges: when the Earls of Huntington, Middleton, and others moved at the bar for their *habeas corpus*, there was no information upon oath against them to warrant a refusal; otherways to be sure we should have heard of it: But Aaron Smith[1] must make affidavit that they had evidence for the high treason charged against them, which could not be got ready; and so by his liberty and freedom of conscience, save in some measure the credit of the court: By this fine new knack, they were all remitted back to prison again. Such judges may at last come to be fit enough for the bench even under a conquest; but in the mean time all such expedients, which are not warranted from the statutes, do rather prove the injustice of the court, than fulfil the law; and however it may be gilded, we cannot but see and feel the bitter pill we must swallow.

Was not the *habeas corpus* act suspended for many months? It's true this was done by parliament; but so much the worse, if our own delegates, in whose hands we trust the care, but not the entire surrender of our liberties, make a compliment of that which is not in their power, to the ambition or necessities of any prince. Parliaments can no more justly over-turn foundations, than the prince can. Such privileges as are derived from king and parliament, upon the account of the subjects temporary conveniences,

[1] Aaron Smith was solicitor for the treasury, an office which he obtained as the reward for his zeal in the times of Charles II. and James II., when he was a constant adherent of the whig party, and generally agent for those who were brought to trial for treasonable practices. As the management of state cases was now entirely confided to him he became extremely obnoxious to the Jacobites.

are trusted to the review of the same court; but these fundamental privileges, which are the birth-right of nations, and derived originally from the laws of nature itself, such as the freedom of our persons, and dominion over our properties, fall only under the cognizance of parliaments, for their better establishment against such breaches, as the depraved nature of princes and their ministers will be making upon them.

The nature and design of societies hath occasioned a partial submission of these two great native privileges to the safety of that body politic, by punishing of crimes; and to the support of it, by taxes, which we grant ourselves; but in no construction of reason, sense, or justice, can delegates be understood to be impowered to make an entire surrender of those rights into the hands of any prince, were it but for a moment. It may be alledged, that the safety and necessity of the government put our rulers upon such extraordinary measures. If reasons and pretences of state (the secrets of which are always locked up in the prince's breast) can apologize for such bold strokes against our most fundamental privileges and laws, where is there any right or immunity which we can call our own, or be assured of? Since such pretences shall never be wanting to entitle the prince to an absolute dominion over our property, as well as over our liberty; since the last is more valuable than the first; why may not reasons of state as justly render him master of the one as of the other?

If it was to preserve our liberties from the insults of King James we placed the prince upon our throne, we have certainly either mistaken the disease or the cure; since he cannot be preserved upon it at a cheaper rate, than a sacrifice of what we intended to preserve, we are to learn nothing from this Revolution, but a surer and more infallible way of enslaving the subject. King James never dreamed of such a method. An English parliament was hitherto esteemed a court inseparable from the true interest of Englishmen; but a little more training under so good a master may make them change principles, and become in time as complasent and good-natured as ever the French and Swedish states were. Nothing, it seems, in gratitude, can be refused to our deliverer. But though gratitude be a virtue, it ought to have its bounds, lest it run us farther than designed or intended at first, even to the destruction of those rights, for the preservation of which we desire to appear so grateful. The King of Denmark, in our time, by the merit of some actions performed for his people, and during their first raptures of gratitude for it, found the way to enslave them, by changing an elective and limited into an hereditary and despotic monarchy.

The admitting of unqualified persons into places of employment, and the erecting the high-commission court, were thought great crimes in King James, and mighty errors in government; and yet the first is as frequently practised in the army as ever; and how much further the prince's dependence upon popish confederates may lead him in favour of catholics, must be owing to their moderation; for we lie at their mercy upon that head, and may come to be made sensible, that our foreign alliances may prove as troublesome and uneasy to us, in favour of papists, as King James's religion was: And as to the last, the prince must either look upon that court to be no crime, or, by favouring the most active members in it, he must destroy and invert that old English maxim, "That our kings can neither err nor be punished; but that evil counsellors are liable to both."

The turning out the fellows of Magdalen college from their freeholds, contrary to that provision in *Magna Charta*, "That no man should lose his life or goods, but by the law of the land," is not to be justified; and yet falls much short of the putting people to death, under this government, by martial law, before it was enacted. Few men will ever scruple to secure their lives, with the loss of their places. The *quo warranto* and regulation projects were much to be complained of; but we may very easily imagine to whose practices they were owing, by the countenance and preferments the authors and promoters of those councils received from this government; neither can the *quo*

warranto-ing of charters be so illegal as the Declaration would make us believe; since King William himself treads in the same path, by imposing a governor upon New England, upon the *quo warranto* foot, contrary to the opinion of his privy-council.

Whereas by the Declaration, the slighting and rejecting of petitions delivered by subjects, with submission and respect, is considered as a high strain of absolute power, yet when the people of Scotland had secured to themselves the privilege of petitioning, by their claim of rights, and in pursuance, and by virtue of that privilege, the greatest part of that parliament, which placed the crown upon his head, had humbly addressed unto the present king for his assent to some votes, which they had passed for establishing of religion and liberty, and which were agreeable to their antient laws and privileges, they were scornfully and disdainfully refused and rejected. If by the Declaration it was a fault to treat a peer of England as a criminal, for asserting that the subjects were not bound to obey a popish justice of peace, it cannot be a piece of justice in King William to pass a sentence of banishment upon the Earl of Feversham, who is a peer of England, within these few weeks, without so much as alledging a crime against him.

Since by the Declaration, the obliging people to deliver their opinion before hand, as to the repealing the test and penal laws, and the turning out of employments such as would not promise lustily, is represented as so foul a piece of collusion, the closetting of members of parliament now, to pre-engage their votes in affairs depending before them, and the disgraces which some obstinate persons fell under upon it, should have been forborne, unless King William be dissatisfied with the Prince of Orange's Declaration, and the rules and maxims therein established.

According to the Scotch Declaration, the appointing of judges in an unusual manner, and giving 'em commissions, which were not to continue during life or good behaviour, was highly illegal, yet King William, after he got the crown, found he was mistaken in that paragraph, and nominated the whole bench, without subjecting them to a trial and approbation of parliament, according as law and custom required; did not think fit to continue their commissions during life or good behaviour; and appointed them a lord president, though by express statute he was to be elected by the bench.

By the Declaration, the imposing of bonds without act of parliament, and the permitting of free quarters to the soldiers, are declared to be high and intolerable stretches of government: The same hath been practised in this government with greater confidence, less compassion, and other aggravating circumstances. Bonds have been imposed by authority of council, without warrant of parliament, as may appear from their public proclamations; and many thousands of soldiers have been maintained upon free quarter, and for many months together, countenanced and abetted in it by the government; and the funds for reimbursing the country, which were appointed by parliament, have been otherways diverted.

The commissionating the officers of the army to sit as judges upon the lives and estates of the subjects, and the putting people to death without a legal trial, jury, and record, were complained of in the Declaration; were thought good reasons for forefaulting of K. J., and were provided against upon this last settlement of the crown; and yet both the caution given by the sentence against K. J., and the future provision made by the estates, prove too weak to restrain this government from practising the same things, by ordering and impowering Colonel Hill and Lieutenant-colonel Hamilton to put Glencoe, and all the males of his clan, under seventy, to death; which was partly executed upon them without any legal trial, jury, or record.[1] Neither can their former enmity and opposition to the government, furnish any apology for so barbarous a murder, since they all had either actually taken the benefit of the indemnity

[1] See an account of this barbarous massacre in the Miscellaneous Tracts of this reign.

then granted, and so were pardoned, or had protections in their pockets, which put them under the immediate care and safeguard of the government. It may puzzle the best heads to find out the reason why Irish papists, though stated enemies, should be indulged to the prejudice of our laws and rights, and yet protestants, though formerly enemies, barbarously massacred, when indemnified and under protection, unless K. W. be resolved, from the obligations he is under, and the deference he must pay to the pope and popish princes, to embrace every occasion of destroying the one and cherishing the other.

By the Declaration we are assured, that the prince will concur in every thing that may procure the peace and happiness of these nations, and which a free and lawful parliament shall determine; and yet how many necessary and useful bills for the happiness of the nation have been stifled by the interest, intrigues, and solicitations of the king himself, his ministers, and courtiers; and the royal assent refused to many bills in our neighbouring kingdoms: And in this to the bill about judges, which was thought so necessary an expedient for the establishing of justice, and to cut off their servile dependence upon the court, which was charged as such a blemish upon the judges in King James's reign, and was always looked upon as dangerous to the lives and liberties of the English subjects.

We were assured that the only design of the prince's undertaking was, "the preservation of the protestant religion, the covering all men from persecution for their consciences, and the securing to the whole nation the free enjoyment of all their laws, rights, and liberties, under a just and legal government." How well and truly he hath confined himself within these limits, and other bounds he prescribed to himself in his Declaration, may partly appear from what hath been said, and shall yet be made more clear and evident by a true and impartial enquiry into his conduct, and some considerable stretches which have been made in points not glanced at by the Declaration, because they were strains of absolute and despotic power, which King James's reign did not furnish us with any instances of the like.

The power of imposing taxes is unquestionably lodged in parliament, and the people of this island have a natural right unto, and dominion over their properties; and the prince cannot share with them in it, in whole or in part, except in so far as they consent to it themselves by their representatives in parliament: And our parliaments, though abundantly liberal in other respects, have never indulged the least liberty to our monarchs on that head, being so far tight to their trust and their constituents interest: And the estates of both kingdoms judged it necessary, upon the present settlement of the crown, to assert the people's right in it; and plainly to express it as one of the conditions of that settlement. And yet the privy council of the kingdom of Scotland have openly and avowedly, in contempt of the ancient laws and late original contract, by their publick proclamations, commanded and appointed under the severest penalties, the subjects of that kingdom, at their own charge and expence, to furnish a great number of horses for the use and service of the army, and for carrying ammunition and provision of victuals, with men to attend the said horses: And I am informed, that upon cool and second thoughts, when the council considering what they had done, how illegal it was, and the danger they had run themselves into by it, thought fit to apply unto the parliament for an approbation, it was refused them.

Extravagant bail was complained of, and provided against by the states of both kingdoms, and yet it is daily and frequently imposed, and exacted many times far above the value of their estates.

The freedom of elections to parliament, from the bribes and directions of court and courtiers, were expressly conditioned by the states of both kingdoms, upon their tender of the crown. How well that is kept and observed, may appear from the bare-faced and open applications made to counties, corporations, and particular electors, for

the choice of such and such persons, with threats and promises of reward. Nay, I have known three thousand pounds expended for secret service, to prevent the election of a person who had been eminently serviceable to this government, because he was found tighter to the interest of his country than to the court; for there never was a reign wherein the interest of king and people are more confidently stated as contradistinct than in this, though it be only the consent and pretended interest of the people gives birth, rise, and title to it.

The frequency of parliaments for redressing of grievances, the amending, strengthening, and preserving of the laws, with all freedom of speech and debates in them, was insisted upon and fundamentally established by the states of both kingdoms, when they elected their present majesties to the throne. How well this is observed and made good to both kingdoms is obvious enough. It is not for redressing of grievances, amending or preserving the laws, they are assembled, but for giving of money. The craving necessities of the state, the pressing circumstances of the confederates and foreign affairs, the early preparations of the French king, an honourable peace, the good of the protestant religion, and fears of King James, are become the cruel and everlasting topics, the common and ordinary stale, whereby the true intent of parliaments is baffled, and the money-business quickened and finished. The last is now so much the business of parliaments, and the first so little, that it is an equal wager that this court may come at last to plead prescription against parliaments, as to any other business but money-bills.

As to freedom of speech and debates, though there be none questioned for it, yet members are so frequently discouraged and frowned upon at court, disgraced and turned out of employments, whenever they launch out into an enquiry after grievances, or the present administration; and upon the other hand, the places of honour and trust, and the money of the nation, are so openly and visibly employed for debauching of members from a sense and feeling of the true interest of the people, and for divesting them of all the publick and generous notions, zeal, unwearied and bold endeavours for the rights and privileges of the subject, the joint good and interest of king and kingdom, which hath been hitherto so much the glory and entertainment of brave English spirits in our parliaments; that this native and necessary freedom of speech and debates is more visibly threatened, and more effectually destroyed, than ever could have been done by force, sentence, or imprisonment. We are sooner wheedled with false, if gilded pretences, than hectored or huffed into a court compliance.

Lastly, was there ever a reign wherein the plunderings and free quarterings of soldiers were more countenanced, and the people more grievously oppressed by them, than in this? The complaints of Scotland upon that head already hinted at, the irregular and unheard-of abuses and miscarriages of the Irish army, the desolations brought upon that miserable kingdom by them, and the daily instances we meet with of that nature in this kingdom, are convincing and undeniable evidences of the truth of it.[1] Nay, to such a pass is it already come, that when a secretary of state was applied unto by persons injured, who were entirely in the interest of the government, and pre

[1] "Great complaints were brought over from Ireland, where the king's army was almost as heavy on the country as the Rapparees were. There was a great arrear due to them; for which reason, when the king settled a government in Ireland of three lords justices, he did not put the army under their civil authority, but kept them in a military subjection to their officers. For he said, since the army was not regularly paid, it would be impossible to keep them from mutiny if they were not put under strict discipline, and punished accordingly. The under officers finding that they were only answerable to their superior officers, took great liberty in their quarters, and instead of protecting the country, they oppressed it. The king had brought over an army of seven thousand Danes, under the command of a very gallant prince, one of the Dukes of Wirtemberg; but they were cruel friends, and thought they were masters. Nor were the English troops much better. The Dutch were the least complained of; Ginkle, who had the chief command, looked strictly to them; but he did not think it convenient to put those of other nations under the same severe measures."—*Burnet*, IV. 126.

sented by the knight of the shire with complaints against the abuses and free quartering of soldiers, they were scornfully rejected with this answer, "That men and horses must eat:" Meaning, no doubt, that since the taxes designed by the parliament for that end were necessarily to be applied unto the use of the confederates, the people must be doubly burdened for the subsistence of the troops. Such brave guardians are our present rulers become of the English liberties.

Here we have a sad but true catalogue of our miseries, only it is not full and compleat. The present administration can furnish us with a great many more instances: But I have confined myself to a deduction of those grosser errors, which visibly infringed the pretences of the prince's declaration, and the petition of rights; the securing and preserving of which was the reason expressly assigned for his election into the throne. If in the infancy of his government, when his sense of gratitude for the gift of three crowns, if ever, must be fresh in his memory; when the hearts and hands, as well as the purses of the people, were necessary for his support; when his honour as well as interest called for a different conduct, he run so warmly into such measures; what must we feel when he comes to sit sure and be fixed upon his throne?

We may certainly conclude upon the inclinations and future designs of a prince by his preceding conduct, and the choice of his ministers, and from both these reflections in the present case we have but a melancholy view of our future condition. Are not those very men, who in both kingdoms were the authors, contrivers, and actors of the most arbitrary and grievous proceedings which were complained of during the reigns of our two last monarchs, become the ministers, the darlings, the favourites of this reign? Have they changed their principles and maxims? The former instances in which they have their share, may convince us to the contrary.

Is it to be imagined that a prince, who signalized his entry upon the stage of public affairs with a breach of the most solemn oaths to the contrary, the destruction of the liberties of his native country, and by grasping at a power which the nature, law, and constitutions of that government denied to his character in it, will be more tender of his oaths to us and of our constitution? His past conduct may clear it up to us; we are strangers to him, and he to us; his affections, as well as his birth, are foreign; he distrusts and despiseth us, as treacherous to our former king; he may "love the treason, but hate the traitors." It is not a single crime can entitle us to his favour, it is by a sacrifice both of king and country we can touch his heart; it is only by this double treason we can get into his confidence. The fate and disgrace of those persons, who upon this Revolution frankly sacrificed the first, but knew not how to subdue their scruples as to the last, may sufficiently prove this truth. We have none but ourselves to blame for this mischief: By our abdicating vote, and subsequent measures, our ancient, just, and legal government is destroyed and overturned; and in so doing, we have disengaged him from the promises he made in his Declaration, since it was only "under a just and legal government" that we were assured of his endeavours to preserve our laws, rights, and liberties. Let us yet a little farther examine the benefits we shall reap from this Revolution, the means we have to support it, and what will probably be the issue of all these great transactions.

The malignant aspect of our late measures towards our beloved rights and privileges, seems to be pretty well cleared already, and scarce admits of an aggravating thought more, unless we consider that we are like to pay the price of a perfect and lasting cure for downright poison and a mortal consuming fever: but perhaps this victorious prince, by his conquests and admirable conduct, will raise the military glory of this nation so high, and enlarge her territories and command so far, as shall quite darken and eclipse the lustre and fame of our greatest and most fortunate kings; and thereby alleviate or quite bury our sense and feeling of past, present, and future miseries. If the laurels and conquests of a monarch, which are first drenched in tears, and founded upon the

slavery of the people, can atone for such miseries, the French at this day would be the happiest people in Europe. This will not pass upon Englishmen, who observe from their histories that the most victorious of their monarchs have always been most tender and careful of their liberties; and I am afraid that even this faint comfort shall not be afforded us. What reason have we to expect, that by the conduct and military knowledge of a prince (against whom the naked and undisciplined Irish made head for three campaigns together) we shall be able to gain towns and provinces, from the more numerous, better disciplined, and conducted troops of France? For though the author of A Letter to a Friend concerning a French Invasion, flatters us with our victories over the French at the Boyn, Athlone, Agrim, and Limerick, and from thence foretells our success in Flanders, they were still but undisciplined Irish we subdued, with difficulty enough in some of these places; and our victories over the French in Ireland or Flanders have not as yet burdened our gazettes. We have already expended many millions of money, and lost many thousands of men, and have nothing in return for all this consumption of blood and treasure, but the reduction of Ireland, which vigorous and early measures could have secured unto us at the beginning, and prevented the utter ruin and desolation of that country; and our late victory at sea over the French, to comfort us for our two former disgraces at Bantry and Beachy, the shameful loss of many of our navy royal to the enemy, the seizure of so many hundreds of our merchant ships, and our misfortunes in Flanders: Some of our former princes, with a far less expence of men and money, when affairs were managed with true English councils, and executed by Englishmen, have subdued whole provinces, and given law to Europe. But we go now upon politicks, and are governed by measures which are calculated rather for the interest of foreign confederate princes, than adjusted to the honour, profit, and good of England. This confederacy hath cost us already a great deal of money; and it's plain, that the particular interests, ambition, and pretences of these foreign princes, gave birth to the prince's undertaking, rather than any kind regard to our religion, rights, and liberties. It's pleasant enough to imagine that the pope, the fathers of the Spanish inquisition, and the authors of the Hungarian and Piedmontish persecutions, against those of our religion, should be so concerned to establish the protestant belief amongst us; and that those foreign princes, who have extinguished the least shadow of liberty and property in their own dominions, should have such pangs of conscience and tender regard for our expiring liberties. They wanted our money and our troops to carry on their several pretences; and if they could be still sure of feasting, and making war at our expence, the favour would be as acceptable from the hands of King James as from the Prince of Orange: But the prince, who must stand equally obliged to them for his mounting the throne, and support in it, was judged a fitter instrument, more humble, obedient, and active, for emptying the English treasures into Dutch exchequers, than ever they could expect from our native king, whom they were afraid would be found more steady to a true English interest, than to gratify their unsatiable and boundless pretences.

King James was a good husband of his treasure, and they were afraid would never be induced to part with any of it to them, but for equivalent returns of glory and profit to the nation. They knew the prince had a weak side, which might be better wrought upon: His towering ambition, and vast unlimited desires after command and a noisy fame, exposed him continually to the bait they designed him, which was, to pay him in airy titles, empty compliments, and feigned pretences of service and obsequiousness, for our good English gold and brave English troops. The plot hath succeeded, and we paid them very handsomely for the trick they put upon us; we have made vast issues of men and money; we have liberally fed those needy princes and their troops; it is probable that more money will be expected and demanded from us; what are we to have for all this expence we have already made, and yet can see no end

of? What cities, what provinces, are we to have? Is the French navy to be burnt, or put into our hands? Are our old pretences to the French crown, at least to the maritime provinces, to be made good unto us? Or are we to reap nothing but the vain honour of having contributed towards the establishment of our neighbours, by our own ruin?

The duties of neighbourhood are mutual; and suppose them as strong and binding as the author of A Letter to a Friend concerning the French Invasion would make them, they plead as strongly for us as against us. There lies as great an obligation upon the confederates to assist us in the recovery of Normandy and Guyen, as upon us to recover the lost provinces in Flanders and upon the Rhine for them: No doubt our present king hath taken care for it in his treaties with the confederates; if he has not, it is a plain discovery that the interest of foreigners is dearer to him than that of England. How unjust is it to rob us of the fruits of so many millions spent, and of so many which are in hazard, with our religion, liberties, and our all to boot? If there be any effectual care taken for this by his treaties, it were very fit the nation were made acquainted with it, and that we certainly knew what we were to have, and what security the confederate princes have given for making good such treaties; it must be more than words and common security that can balance the real deeds and kindnesses which we are daily conferring upon them.

But I am afraid we have not so much as a bare promise of any thing. The increase and growing strength of our monarchy lies so visibly cross to the several pretences and interests of the confederates, that they would be deaf to any such proposal; and the prince depends too much upon them for the support of his present title, to press such ungrateful things. Can any man of reason believe that the Dutch and the house of Austria will agree to have the French fleet put into our hands, which would render us sovereigns of the ocean, as well as of the narrow seas? Or is it not next to frenzy to imagine that the house of Austria will ever give way that we should recover our ancient footing in France, either in whole or in part, by which so many catholick cities and provinces would be subjected to hereticks, the communication betwixt Spain and Flanders cut off, by shutting up the channel on both sides, and our monarchy put into such a condition as would visibly shock the ambitious designs of that house, which they would again resume upon recovery of their lost provinces? So that we are not to expect any new acquisitions with all this vast expence, but are to rest satisfied with the honour, or folly rather, of raising the house of Austria to its ancient greatness, and building up a power which would more fatally threaten us and the rest of Europe than that which we must be at such pains and expence to pull down.

If the prospect of a successful war be so little encouraging, what have we to fear and feel from an unfortunate issue? How sadly may we come to be whipped when we shall be obliged to take back our abdicated monarch, whether we will or no? There will be nothing then to trust to for the safety of our religion and liberties, but the good nature and true English temper of a prince, whom in that case we have injured, slighted, and despised to the last degree: Nay, upon the issue of a successful war against France, we may be obliged to undergo the same fate. So far will this war, in any event, be from terminating in an establishment of our present settlement, that it doth visibly tend to the contrary. This will appear no paradox to any man who doth exactly weigh the different interests and politicks of the several states of Europe, with relation to us, and amongst themselves. Such a curious and diligent obsever will quickly discover how much more agreeable King James's restoration would be to the secret-concealed interest of all our neighbouring states, than the Prince of Orange's present royalty.

The good intentions of France towards it is not to be doubted. The house of Austria, after their pretences upon France are satisfied, do certainly become favourers of King James's restoration, both upon the account of religion, and to remove a Dutch stadt-

holder from being king of Britain; thereby to facilitate their ancient pretences upon those revolted provinces. The Dutch will heartily agree to his restoration, to get rid of their stadtholder, who presseth so hard upon their liberties; they will be in no more fears from France from this supposed issue of the war; and the interest of England would always oblige its monarch to cover and protect them from the ambition of the house of Austria. The best wishes of Sweden cannot be wanting, were it only by the admission of the Prince of Wales's right to place the Prince of Denmark a remove farther from the crown, since his accession to the royalty amongst us, by virtue of his princess's title, might endanger the conquests which that crown hath made upon Denmark. And since the politicks of Denmark, with relation to us, are solely levelled at his brother's interest, whenever the indignities done to the Prince and Princess of Denmark shall oblige them to resume that duty and loyalty which is due from them to their kind old father, who is still ready to receive them, and to secure unto them those advantages which they can never expect from the Prince of Orange; the concurrence of that crown towards King James's restoration can be no longer wanting. I do but hint at things, which are of sufficient importance to make all true Englishmen, who love their country and their liberties, to bethink themselves seriously how to cover and secure all those great and valuable rights from the oppression of the Prince of Orange, the miseries, poverties, and dangers which will inevitably attend either a successful or unsuccessful war. We have thrown ourselves into a state-hurricane, from which there is no way of escaping, but by restoring the just and legal government of this nation into its ancient and unquestioned channel.

Having fully established and made out the first three motives assigned for King James's restoration, I shall enquire a little into the fourth and last, viz. The securing of the protestant religion for all future ages. This appears a great paradox to the author of *The Pretences of the French Invasion Examined*; at which he falls into exclamations against mankind, as the oddest piece of the creation, for believing such incredible things. But it is not his bold, impudent, and false assertions, supported only by empty and noisy eloquence, which can hide the danger from us, that our religion, as well as our liberties and properties, lies under from this revolution. For clearing the truth and weight of this motive, I shall make it evident that our religion was in no probability of being overturned by King James's practices before this revolution; that it was in our power to have secured it, even against our fears and jealousies, without any breach upon the ancient government; that the dethroning of monarchs upon the pretence of religion, hath been fatal and destructive to all the several protestant states who attempted it; that, according to all appearance, it will be equally fatal in our case and circumstances; and, lastly, I shall make it evident, from a full and distinct answer to all the arguments adduced by the authors against King James's restoration, that the best, surest, and most infallible way, whereby to secure the protestant religion, our liberties and properties, upon lasting and durable foundations, is by returning to our duty, and restoring our abdicated monarch by as general a consent as he was chased away by us.

It is very natural and common with mankind, and with princes as well as others, to have some more particular regard towards those of their own religion, to wish them well, and to endeavour their ease when it lies in their power; so that it was nothing extraordinary to find King James labouring to give his catholick subjects a right and title to that ease and security, which the laws of the land had deprived 'em of. I do not believe that liberty of conscience in general, and the covering of people from persecution on that score, can be rationally condemned as destructive and ruinous to the protestant religion; we ought to have a better opinion of the principles of our faith, and be better convinced of their truth and excellency, than to be afraid to have 'em baffled or shaken, much less ruined, by the reasons of any other persuasion. That religion which dares not shew its face publicly, and stand the shock of all its adversaries,

without screening itself under the severity of penal laws, furnisheth great suspicion to curious and prying men of its weakness and insufficiency: But this, I hope, is not our case; our most holy religion is built upon that rock of ages which can never be shaken; is fortified by the testimonies of the law and the prophets, and expressly contained in the word of God, or derived from thence by clear and necessary consequences, and can subsist by its own worth and excellency without robbing the rest of mankind of that liberty their birth-right entitles them to, and enslaving consciences. So that King James his principle about liberty of conscience, if duly and legally established, will be allowed; but it is the method we complained of, which discovered some farther design than bare liberty of conscience, and thereby did visibly threaten our civil rights and liberties, and endanger our religion.

Why truly the measures taken were unjustifiable, but we know to whose council and advice they were owing: The whole was a plot upon that prince, to spoil the project of liberty of conscience, which would have rivetted him in his throne, and to improve his inclinations for the Roman religion to his own ruin and destruction. But suppose something more was intended by some than a bare liberty, perhaps the opening a door of preferment to catholicks, or the propagating that religion over this island; such an undertaking is irrational, foolish, and desperate, can never be accomplished; and the impossibility of it is so plain and obvious, that no man, who understands the world, and knew England and Englishmen so well as King James did, could believe it practicable. And as to the miraculous and enterprizing faith of priest and new converts, the zeal, folly, and warmness of their brains, will always prevent any real mischiefs; nay, King James his reign, even upon the supposition that it were as bad as is alleged, is an undeniable proof that the protestant religion cannot be undermined, nor the popish religion established in these kingdoms, by the address or authority of any prince.

I shall give it for granted, that all imaginable methods were taken for propagating the popish religion; that they were indulged in the publick exercises of it; that court preferments were thrown upon them, merely upon the account of their religion, without any virtue or merit to entitle them to it; that protestants were absolutey, and upon all occasions, discouraged; that it was endeavoured to make the world believe that all favours and preferments were for the one, and nothing but disgraces and frowns for the other; that there was the greatest care, pains, and application in the world, made use of to make converts of the army and courts of judicature. I do believe, by this supposition, I have out-done all that the most malicious enemies will urge against King James; and yet all the world knows what little progress was made, how few converts were gained, and how really weak their best and surest precautions did appear when it came to the touch. If so many of his subjects, soldiers, and servants, were prevailed upon by fears and jealousies, which were maliciously and industriously heightened above what any reason, which was given for them, could well bear, what must then have been the consequence, if by real, publick, and undoubted discoveries, the king's intentions to ruin the established religion, had been made unquestionably plain and evident: Nothing less than an universal defection, and his perpetual banishment from the hearts and affections of every Englishman, could have followed.

The catholicks of Britain are not one of a hundred; they have neither heads, hearts, nor hands enough to force a national conversion. As the protestants are the most numerous, so the laws and constitutions are upon their side; their civil rights and liberties are twisted together with their religious, and whosoever strikes at the last, must infallibly wound the first. It is not easy to overturn the laws and fundamental constitutions, whereby religious and civil rights are secured to free-born people; we are in possession by our laws of our religion, and of that liberty which distinguisheth our happiness from that of other subjects; we love it, and know its true worth; we value and esteem ourselves above other people, upon the account of our native freedoms, and

will not easily part with 'em; all attempts and designs upon them have been unsuccessful. Ambitious princes, and arbitrary ministers, may be forming projects and designs, fortifying them the best way they can, and making parties for it; but our constitution, together with the protestant religion, which is now become part of it, and our laws, will prove always too hard for them at last: Nothing can expose or betray our religion and constitution to any danger, but over-much fondness in the people to a prince, who, under some popular mask and pretence, covers close and fatal designs against either. Let us but examine the present condition of our neighbouring states, and we shall find that raptures of love in the people have overturned more constitutions, and built up more despotick governments, than the force or address of princes could ever do. It is commonly received for a truth, that love is blind and credulous, and certainly holds good with relation to a political affection. There is a certain allowable jealousy in the people which is very consistent with the duty, affection, and respect due to the prince, and guards and protects their laws and constitution. Without some measures of this jealousy, the constitution will be always in danger; and this antidote can never be wanting in the protestant subjects of Britain under a popish king: His religion gives us such a lively and active jealousy of him, and makes us so watchful, and puts us so much upon our guard, that all the efforts of such a prince, though never so dexterous, supported by so weak and inconsiderable a party as the catholicks of Britain, can never endanger religion and liberty. Rather his circumstances and inclinations to those of his own religion, their ease and quiet, might have been improved into farther and more real securities for religion and liberty by a wise and discreet treaty, orderly managed in parliament.

To all this it may be alleged, that though the catholicks of Britain be not a party sufficient to carry on, and effectuate such designs, yet the forces of the Hector of France were still at the command and service of his dear and faithful ally, for carrying on so good and meritorious a work as that of reducing again Great Britain into the bosom of the Roman church: This is maliciously and artfully enough suggested, but let us examine it a little. How does it appear that King James was become so lost to all reason, morality, and discretion, as to resolve to call in a French power to over-run a country which was his own, and destroy a people who were living peaceably under him; by which, from one of the most considerable and potent monarchs of Europe, he became the least and most contemptible? His refusal of French troops and assistance, when threatened with a foreign invasion, seems to be no great proof of this; and his betaking himself at that time to the love and affection of his subjects, as it was a plain discovery he was not conscious to himself of any real design which could destroy that mutual love and confidence betwixt prince and people, which is a debt due from the one to the other, however his measures might have been traduced, or maliciously poisoned; so it may let us see how improbable it is to imagine, that a prince could ever form designs of destroying a people whose affections he durst trust in such an extremity. Again, what reason is there to imagine that the French king would be so ready to furnish troops, and be at the charge of such a reformation? He is generally allowed to be a prince who studies his own interest the most of any, and fits all his maxims, his conduct, and alliances, exactly to it, and never takes a step, which, upon the remotest view, may seem to cross the interest of his crown and monarchy; and if it do appear, as certainly it will to any judicious thinking man, that the reducing Great Britain to the bosom of the Roman church may greatly endanger the crown of France, then all fears of a French reformation will fall to the ground.

The English pretences to the most considerable maritime provinces, nay, upon the crown of France itself, are generally known; and histories can inform us how troublesome, how dangerous, and how successfully they were many times carried on against those monarchs, partly by the natural boldness, spirit, and courage of the English, far

surpassing that of the French, but more especially from the inclination of the French themselves to live under a government which was so much easier, and more agreeable, than our own; it being natural for people to covet the same plenty and freedom which they see is enjoyed and possessed by their neighbour. Hence it was, that though we lost all our footing in France, yet still our forces and enmity was more dreadful to those monarchs than that of any other state in Europe, though more considerable for its native strength, and confining by dry marches upon 'em; and they always courted our friendship and alliance with the greatest submissions and applications imaginable: And until the reign of Queen Elizabeth, the French did always chuse rather to divert our invasions with their money and treaties, than to encounter them by force, being afraid to grapple with that power, which they had so often felt to their cost. Since that time neither our friendship hath been so much courted, nor our enmity so carefully avoided as formerly. This doth not proceed from the increase of the French power and decrease of ours, though the revenues and military force of France be strangely augmented since; ours, in proportion, hath received the same increase; our treasure is augmented, and that being the sinews of war, quickly furnisheth and maintains every thing else: And the other states of Europe are, from the circumstances of affairs, better disposed for alliances with us, than ever they were in the time of our ancestors. So that France is but still France, and England in the same proportion with it as to force and revenue, and in a more promising condition of making alliances, and of being more usefully served by them: Our pretences are still the same, and every whit as strong and just, and we as willing and desirous to make advantage of them; and yet we are in no respect so formidable to that crown as formerly, nor in a condition to shake that state, and make such impressions into the heart of France as our ancestors have done. The true reason is our difference in religion, for we being protestants and France popish, this sets the two nations at a greater distance from mutual correspondence and contrivances, which must necessarily precede and occasion important revolutions, than all their former animosities, emulation, and duty to their natural prince could ever do. Loyalty to princes, national considerations, and point of honour and reputation, do many times give way to present and future advantages; but when religion and point of conscience comes in to gather and cement all those divided interests together, and unite them, as it were, into one bundle, they become the more hard and difficult to overcome. This plain and evident reason cannot escape the knowledge and reflection of so wise a prince as the French king is acknowledged to be. The difference in religion is a much greater security to him against our attempts than his armies, fleets, or strength of his towns. The sense of religion doth many times rouse and inflame the courage and resolutions of men, when other humane considerations prove too weak to quicken their drooping spirits; catholicks will fight to the last to escape the dominion of such as they believe hereticks; when, perhaps, Frenchmen would be willing enough to come under the English government, which is so much easier and better than their own. I do not question but this very consideration alone will prove strong enough to keep the French king from endeavouring our re-union to the Roman church, which would make the pretences of an English monarch more dangerous than ever by our union with Scotland, which formerly gave such notable diversions to our forces both at home and in France. That prince's disputes with the pope for point of prerogative, shews plainly that he never will endanger his crown in his own person or posterity, to serve the interests and desires of the papal chair; from all which we may safely conclude, that the protestant religion in Britain was in no great danger of being ruined by King James, though really as bad as he was represented.

If our religion and liberties were placed so much out of danger of being overturned, by the laws and franchises we were then in possession of, how much better might we have established them for the future, and placed them above the shadow of any danger, by embracing and improving the offers which our lawful prince made us, of car-

ving out our own satisfaction and securities. He was surprised with an astonishing defection of his subjects, with a conspiracy of a great many princes and states against him. He knew no place but France to retire unto, where he might have a cover for his head, but could have no great expectations of being quickly restored to his throne by a power which had so much other diversion. He was unwilling in his old age to go into exile, was very desirous to leave a perfect calm to his son before his own death, which, by the course of nature, and the ordinary destiny of his family, he could not believe was very remote; and had a love and kindness to us still, as a father for his disobedient children. All which would have procured us, from our lawful king, a lasting, legal, full, and happy settlement; would have established our religion, bettered and secured our liberties upon lasting foundations, without any trouble, and with a great deal of innocency. How many crimes would have been avoided by following this method, and how many more prevented, which will be necessary if we be obstinate, to support and maintain the injustice we have done? How many millions of money, and how many lives might have been saved, or at least more profitably employed, by the conduct and good husbandry of our lawful king, for the honour of England, restraining the unbounded pretences of ambitious neighbours, and in giving peace and quiet to Europe? There is no question, but a king who was so unwilling to leave us, and had so much of an English spirit, would have gone into any measures with relation to foreign affairs, that his parliament should have thought fitting; in which case, what returns of glory and profit would this nation and monarchy have reaped from this blood and treasure, which is now absolutely lost and thrown away, and our future expences and dangers daily growing upon us, with as little hope of success? My heart is so rent and torn with the thoughts of it, that my pen is ready to drop out of my hand as I write: But we wantonly longed for an abdication, without examining the true value of what we refused, and the consequences were to follow upon the other measures. We have made a religious war of it, which may be fatally returned upon us; and we never considered that defections upon pretences for the protestant religion, seldom or never terminate otherwise than by the destruction of religion and pretenders both. It seems God Almighty did always discover more of passion and worldly designs, than true zeal for religion, in those undertakings; and I am afraid, that since we deserve the like charge, our punishment may be the same, unless by a seasonable and early repentance we prevent it.

The first example I find in history is Zisca's war in Bohemia, against the Emperor Sigismund, which though managed as successfully in the beginning as any thing we can flatter ourselves with, yet had an end very fatal to the reformation in that kingdom. The civil wars in Germany, managed by the Elector of Saxony and the Landgrave of Hesse, against Charles V. had no better issue; many imperial cities and provinces were lopt off from our communion, and the principal actors themselves were remarkably sufferers by it, and their families wear the scars of it to this day. The second Bohemian war, under the elector palatine, whom they had chosen for their king, was yet more fatal to that kingdom than the first, and almost ruined the King of Denmark, did exceedingly weaken the protestant interest in Germany, and laid the foundation for the present grandeur of France, which is so terrible to Europe at this time: Upon the event of that war the civil rights and liberties of the subject, as well as the protestant religion in the kingdom of Bohemia, were entirely ruined and extinguished: The principal electorate of the empire, together with the Palatinate of Bavaria, were wrested out of a protestant, and placed in a popish family: Several other protestant princes and states were lost, and the French possessed of both the Alsatias, which hath since given infinite disturbances to that empire. And the Hungarian war commenced first upon pretence of religion, and came at last to be managed by Tekely, hath quite buried the protestant religion in Hungary and Transylvania; and it is very remark-

able, that so long as they kept petitioning as subjects, (though with arms in their hands for the free exercise of their religion,) they were constantly victorious, and got into the absolute possession of the greatest part of that kingdom; and might have fully secured their religion and liberties, by concessions and immunities which the emperor offered them in repeated treaties: And yet no sooner was the crown given to Tekely, and an alliance made with the Turks to support him in it, but by a series of misfortunes all their former successes were unravelled, and their affairs reduced to the miserable condition we now see them in.

What sad alarms may such instances give us? How truly do they point at our case, and perhaps our fate? Can any of the above-mentioned examples discover such plain and visible marks of worldly ambition, self-interest, and corrupted designs and artifices for their original, as have evidently actuated the contrivers of and principal agitators in our Revolution? And yet how fatally were they punished? And can we hope to escape? The Emperor Ferdinando was in a worse condition to resist the elector palatine, backed by the protestant princes of Germany, countenanced by Britain and Holland, and the present Emperor Rodolph was under harder circumstances to support a war against his Hungarian rebels and the Turkish power, than any that France hath to grapple with from us and our allies; and yet their numerous armies and strong allies, could not secure them from those miseries which did at last overtake them. There is no way for us to get safe from the precipices we have been walking upon, to retrieve our religion from the desperate danger we have run it into, and to settle and secure it, but by a national returning to our duty, which will sufficiently atone for so general a defection, by resuming that treaty we so foolishly broke off and refused; and thereby securing religion and property, by those concessions which our sovereign is still ready to grant us: Let us put it home to him, and lay it at his own door; let him have it in his choice to return by his people if he pleaseth; convince him that his protestant subjects, upon securing their religion and liberties, will repair their former errors, by contributing heartily towards his restoration. And if he declines to return upon a protestant and English foot, there is an end of the controversy, and of all disputes amongst protestants; for religion and liberty will never be sacrificed by true Englishmen.

I am come in the last place to the objections raised by the new authors, against King James's return, which are stuffed with virulent, false, and sophistical reasonings; and, in a great measure, taken off by what hath been already said. The first thing they endeavour to frighten us with is a conquest, and with popery and slavery as the necessary consequences of it, since it is impossible King James can return otherways, because King William will not abdicate. I abhor the thoughts of conquering my native country as much as any man; more, it seems, than The Author of a Letter to a Friend, who would allow of it in the person of King William, and I am against it in any case. But by whom are we to be conquered? and to whom must the conquest belong? Are we to be conquered by such troops as King James, in point of prudence, and according to the practices of all ages in the like case, must bring with him for the defence of his person, and the untying of that force which the prince hath put upon us? I know no reason why it may not be as lawful for King James to bring fifteen thousand men to assist him in recovering his throne, as it was for the P. of O. to bring the like number to chase him out of it, and that without giving any jealousy to us of a conquest. Thrice that number were too few to make a conquest of this island, and I hope they will be so well seconded, and so far out-numbered by the accession of his own subjects, upon a feeling discovery of the Prince of Orange's tyranny, as well as of the injustice done their king, as may justly stamp it a revolution brought about by Englishmen, who have conquered their passions and not their country, rescued and not enslaved the nation, and who have preserved and not endangered their religion.

as this imaginary conquest to make us slaves to the French king, or catholicks and slaves to King James? I cannot believe the first: For I do not think King James so much in love with the French king as to make him a present of three crowns to the prejudice of himself and his posterity, and so become either his subject or his vassal. These are suppositions fit only to pass upon children, deserve no serious answer, and plainly shews the weakness of the cause, which can furnish no better reasons wherewith to defend it. As to the last, the French king will never force us to be catholicks, for the reason already assigned, and it doth as little agree with his interest to have us slaves to our monarch. Friendships are seldom lasting amongst neighbouring princes, rarely continue during their own lives, and are never transmitted to their posterities; so many reasons and jealousies of state are falling in, which occasion frequent and unavoidable breaches: And a King of England, who is absolute and master of his subjects, would be a great deal more troublesome and dangerous to France than otherways, and so it is not very probable that that monarch will ever contribute to make us a conquest to King James, and introduce popery and slavery amongst us. There is one sure way to prevent this danger of conquest, and that is by the vigorous endeavours of every Englishman, to repair the injury done to our abdicated monarch. King William's unwillingness to abdicate, which these authors threaten us with, can't put a stop to it: His breaches upon our laws and constitution, and his violation of the original contract made with himself, deserves it; and it is not all his partisans and troops can cover him from abdication, whenever the people of England think fit to declare it.

We are told next by these authors, "That King James is become so in love with the French government, that we shall never so much as have his promise for securing our religion and liberties, even though we have no reason to depend upon that or any other security he can give us, since he hath undertaken to the pope and King of France to make void all when he is upon his throne; and that it is visible from his carriage in Ireland to the protestants there, that neither the sad example of King Charles the First, who suffered for the like attempts towards arbitrary power, nor the fresh remembrances of his own misfortunes, will ever oblige him to lay aside his arbitrary designs: And however instrumental protestants may be in his return, that pardon for their former failings is all can be expected from him, without obtaining the least kind of regard to their religion or liberties on that score."

I would gladly know upon what grounds they assert that King James will grant no security at all for religion and liberty? Have they made the experiment and been refused? It is not a bare assertion can convince us of the truth of it, since we are assured to the contrary. I have heard of a Scotch plot for restoring King James; the particulars of it I am not acquianted with; only I have been told, "That upon the application of some few gentlemen of that nation unto him, he frankly granted them, under the broad seal of Scotland, all that was proposed for the security of religion and liberty, and agreed to several immunities which the Prince of Orange refused that nation, though he was solemnly engaged to grant them, when the crown of that kingdom was tendered unto him." Here is more than a bare promise, the concessions are passed under the broad seal, and granted by him when his affairs were in promising circumstances, at the desire of a few gentlemen who had been active against him, and who could make no such considerable addition unto his party as might induce him to it, unless his own inclinations, when free from the pressure of designing ministers, and readiness to rectify whatever was grievous to the people, had put him upon it. Can it be doubted after this, that he will deny any thing that is necessary for the good and happiness of his subjects, whenever they apply seriously unto him for it?

"But he must make good his engagements to the pope and King of France, and make void all when he remounts the throne, which his hard circumstances obliged him

to grant." If this were made plain unto us, there would be a great deal of weight in it, all the evidence we have for it is the veracity of the author, which goeth no great length; being founded only upon supposition, that he could not be countenanced by those princes without such an engagement. This is an argument that concludes more forcible against themselves, since it is reasonable to imagine that more solemn and sacred engagements in favour of the holy chair, and a conviction of more punctual and ready performances, were necessary to induce the pope and so many popish princes to countenance a protestant's mounting the throne, to the prejudice of a papist.

I am yet to learn what were the great merits of the Irish protestants since the Revolution, the fresh obligations laid upon him, and what were the new discoveries he gave us there of his hatred to protestants, and irregular arbitrary courses. I have seen a book written by Dr King, which these authors refer us to, as sufficient evidence to make good their charge; but it is so scandalously and notoriously false, and stuffed with so many gross errors, and wilful mistakes, in point of history and matter of fact, even in many things which fall under my own knowledge, that the doctor seems to have calculated his book for a virulent false libel; thereby to merit some benefice from this government, rather than for our information by a true and impartial history; and the world shall be obliged with a particular account of his falsehoods and calumnies, by a full and impartial account of those transactions. But to come close home to the charge; did not the Irish protestants generally declare for the Prince of Orange? Did they not actually either appear in arms for the prince, or quit the kingdom? And those who stayed, were not they rather lookers-on than actors, or any ways useful towards the asserting the king's rights? I do not design this as a satire against the protestants of Ireland; the measures taken there give them much better grounds for their fears than any we can pretend; but only to shew that the protestants of Ireland contributed no endeavours towards his restoration, but run generally along with the stream against it; and so cannot be said to have made any new experiment of his kindness to, and grateful sense of obligations performed by protestants. They never desired, or obtained, any new securities for their religion and liberties, upon the account of services performed for him; and so have no fresh breaches of promise to charge upon him, as our authors do insinuate, whereby to deter the protestants of Britain from contributing towards his restoration.

On the contrary, we have a very convincing argument, from his care of his protestant subjects there, though either actually enemies, or at best but idle spectators; and his constant endeavours to protect them from the insults and fury of the Irish, of whom he was not fully master; to persuade us of the gratitude and kind returns we may expect from him, when at liberty, and obliged by our services, to express it. How carefully did he preserve their estates and goods. With how much tenderness did he give free passage to the women and children from Londonderry, when by denying it he must infallibly have carried the town. With what exact discipline did he govern an army, serving without pay, until King William's protestant reforming troops, which were under pay, by their unheard-of plunderings, robberies, and oppressions, committed upon the poor protestants within their lines, gave such examples of insolence and loose discipline, that the Irish could be no longer restrained, as formerly, though they never acted so extravagantly as the others. And I dare appeal to all the Irish protestants, if the greatest part of the ruin of that miserable country be not due to the plunderings, abuses, and want of discipline, in King William's army; which, though protestant, and reformers, did far outdo the wild Irish in desolating the country, without regard to friend or foe: And I have heard many Irish protestants affirm, that their preservation and protection was due to King James's own particular care over them.

As to the proceedings of the Iri h parliament, he did so much wrestle against them, was so little master of himself and actions, and so much in the hands of Irish, that he

is rather to be pitied than blamed for them: And 'tis very hard and unreasonable, that when a king is forced from a throne by his protestant subjects, and opposed by them in his endeavours after the recovery of his inheritance, and so necessitated to betake himself to the assistance, protection, and services of catholics, unless he would renounce his undoubted rights, which neither the laws of God nor man oblige him to; that acts of grace, which his circumstances, and the necessity of their assistance, forced from him, should be charged upon him as crimes. Let us labour for his restoration; let us get him into our hands, and deliver him from that cruel necessity, which carries him farther than his inclinations would otherwise do; and whenever he is at liberty to act as an Englishman, he will convince us that he is such.

The treatment that Charles I. met with is a sad instance of the vanity of all human greatness, and a lasting reproach to our nation; but reacheth a more pertinent and apposite reproof to King William's conduct than King James's. The most considerable and important points, which occasioned those fatal disputes betwixt that prince and his people, were illegal imprisonments, the undue refusal of liberty to prisoners upon bail, the free quarterings and plunderings of soldiers, and the unwarrantable exacting of money from the subject without consent of parliament. Are not all these illegal and arbitrary practices frequently repeated in this government, and without any precedent from King James's reign?

The many pages employed by the author of "A Letter to a Friend concerning the French Invasion," to prove, "that the non-swearing protestants, as well as others, can merit nothing by their endeavours for the king's restoration, but a bare pardon at most," discovers more logic and method in dividing of his text, than true, solid, and convincing reason: For since a few Scottish gentlemen, who had acted warmly and vigorously against him, and could contribute but little to his service, were able to procure not only pardon, but those great and important securities for their religion and the liberties of their country, which King William had refused to the desires and addresses of a parliament that had given him the crown, and pre-engaged his consent before the gift; Is it to be imagined, that so many worthy prelates, lords, gentlemen, and inferior clergy, who have testified so much zeal, firmness, and fidelity, by their sufferings, joined with the early repentance and vigorous endeavours of others for his service, who have been hitherto blinded and misled, will not prove of more weight, importance, and consideration, with him; be as kindly treated, and their country for their sakes: Or rather, will not all securities for religion and liberty be granted, from a due regard to their application, as well as from his own inclination? Neither is it to be feared that any of their former measures, which unhappily and accidentally have contributed towards that ferment which begot this Revolution, will be remembered against them, since the king is sensible how far he himself was imposed upon, as well as his subjects, by the cunning and artifice of wicked and corrupted ministers which were about him. And whatever jealousies this author may labour to infuse into the minds of people, of the fiery and lax principles of the Jacobites, with relation to the protestant religion, church of England, and English liberties, there are Jacobites, whose principles are better, more fixed and rational, who have already, and will upon all occasions never fail to give greater and more generous testimonies of their zeal and affection for the establishment and security of those great concerns, than any can be brought by our present ministers and topping reformers; and who will never be found with this author in justifying a conquest of their native country.

The caution which is given us against another revolution, lest the monarchy receive more vigour from a restoration, than is convenient for the liberties of the subject, which the author fortifies from an instance in the return of Charles II. at which time, betwixt zeal, flattery, and fear, the king increased in power, and the people lost their liberties, concludes very strongly against himself, and for what I have been all along pressing.

If we do but consider the true reason of those concessions made in favour of the monarchy, upon the return of King Charles, the nation was so wearied out, exhausted and undone, by the tyrannies and executions, taxes, imprisonments, and other arbitrary courses against their liberties and properties, that were practised during that anarchy which intervened betwixt the murder of the father and return of the son, that upon a prospect of some relief, by the re-establishment of the antient monarchy, the people fell into such raptures of joy, which never fails of making subjects so liberal to princes, as many times occasions a hearty but late repentance. If King William continues a little longer to oppress our liberties, and drain our purses, or if the title of conquest be advanced, we shall be infallibly exposed to the like hazard again; which cannot be prevented, but by an early return to our duty, whilst we have some patience, wit and money, left, to enable us to take care of ourselves and our posterity.

The hard and difficult questions which this author thinks he hath gravelled us with, and the obligation of the oaths of allegiance to King William comes next to be considered. The first question is, Whether we think ourselves bound in conscience to fight for popery against the protestant faith? I answer, not; nor doth this answer make any thing for King William, since in no sense can the fighting for the restoration of King James be called the fighting for popery against the protestant religion; for it is both King James's interest and his inclination to return upon a protestant foot; and by assisting him in it, we vindicate the honour of our religion, and rescue it from the dangers which threaten it from this reign.

The second question is, Whether we think ourselves bound in conscience to fight for our prince against the laws and liberties of our country? I answer in the negative; and we do assure the world, that it is from a tender regard to our laws and liberties, as well as from a sense of duty, to repair the injury done our exiled prince, that we resolve to contribute to his return. The antient constitution was broke in upon by the abdication, and our laws, rights, and liberties, have been more eminently and signally over-run during the Prince of Orange's kingship, than by any of our most violent and arbitrary princes, even when he was under the greatest obligation, clearest and distinct barriers placed against it; and we are possessed with reasonable fears, nay a certainty, of having 'em quite ruined and extinguished by his future conduct, which layeth an obligation upon all true Englishmen to repair these breaches made upon the constitution, and to vindicate and restore their oppressed and ruined laws and liberties, by returning King James and the P. of O. into their proper and respective stations.

But we are desired and pressed to have some care of the protestant religion, and church of Christ, which will be visibly endangered by the king's restoration all Europe over; and a due regard for the rights and liberties of all the princes of Europe, which will be sacrificed by it; that this ought to be more tenderly minded by us, since we are citizens of the world; and so the good of mankind, or the greatest part of it, layeth a more sacred obligation upon us, and is to be preferred to the particular interest of our own prince and country. The security of religion is a duty never to be forgotten by good protestants, and is never to be endangered and desperately hazarded by honest men. But, alas! this hath been little regarded by our late reformers. Have they not quite unhinged our constitution, of which the protestant religion was become a part? Have they not already, and are they not in a fair way to ruin our laws and liberties, which are the best fences about our religion? After we are become slaves, we may quickly be made any thing else; the multitude of new converts in France is an undeniable instance of this. Have they not unnecessarily exposed the protestant religion to the hazard of a rude and uncertain war, from the commencement of which we can form no great hopes of a successful issue, and that in conjunction with allies who are the greatest enemies of our religion; who, when their particular interests have been served by our blood and treasure, will certainly give us the slip, and nick some oppor-

tunity, which our present circumstances can never fail to furnish them with, of establishing themselves at the expence of our religious and civil rights and liberties? And finally, have we not dethroned our king upon the account of his religion; by which we have commenced a religious war, which may come to be fatally retorted upon us, and may endanger the whole protestant religion in Europe?

A religious war is carefully to be avoided by protestants, since they are the weakest; and no pretence ought to be furnished to the catholics for the like measure: For though particular animosities and interest seem to divide them at present, how quickly may these be adjusted by the necessities of one of the contending parties, and how easy will it be then for the pope to unite them together under the banners of religion, to give us, and the protestants of Europe, a Rowland for our Oliver? This is no chimera or dream; but we may probably expect to see and feel it. A far weaker pretence, *viz.* the union established amongst the protestants of Germany, at Leipsick and Smalcald, gave birth to the catholic league there; which over-run all the protestants, forced several princes and cities from their communion, and endangered Denmark. It is upon such weighty considerations, and to prevent the danger which threatens the protestant religion both at home and abroad, from our late measures, that all true Englishmen and good protestants ought to endeavour the restoration of our king.

As to the caution given us, to beware how we sacrifice the rights and liberties of all the princes in Europe, the greatest part of the princes and states of Europe are not engaged in this war against France, and consequently in no danger by it: The two northern crowns, Muscovy and Poland, Portugal, all the princes and states of Italy, except Savoy, together with the Switzers, are in perfect peace with France; and so the supposition of this author is absolutely false; the original and ground of this war is purely private contests betwixt the crown of France and house of Austria, and such other princes as that house can draw into their interest. Do we not see that the princes of Germany themselves, who seem to have the most immediate concern in it, and should understand and be more alarmed at the consequences of it than we, do but make merchandize of their assistance, and engage in and withdraw from this war as it contributes most to their particular interests, and according as they are best paid by the several principals? Do not the northern crowns, whose territories and provinces lie more exposed to the consequences of this war than our islands, maintain an exact neutrality, which will give their subjects possession of the best part of the trade of Europe? We are the only fools who have been prevailed upon to engage inconsiderately in this war, to be at the greatest charge of it, to drain our blood and treasure, and to hazard our religion and liberties by it, without so much as proposing any return to balance this expence and danger. Our conduct is such an instance of folly and madness, as amazeth the present, and will not find credit in future ages.

As to the maxim established by the author, upon which he buildeth all his fine reasoning, it is false and phanatical to perfection. Can any man in his right wits assert, that the interest of our prince and country must give place to the interests of other states, suppose them the greatest part of mankind? Much less then to those of the house of Austria, which is the present case. Must the interest of the British monarchy be postponed to the interest of the Mahometan and pagan countries, which make the greatest part of mankind; or must the interest of Britain, and so of the protestant religion, which makes a part of it, give way to the interest of the pope and catholick princes, which make the greatest part of Europe? We may quickly guess what our fate would be by following such a rule, and may easily be persuaded that the cause must be very bad which requires such wretched maxims and reasonings to support it.

The last question is, Whether we would think ourselves bound to fight for him did we believe he would promote the same designs he did before, and what we would think ourselvs obliged to do in the like case, and under the same circumstances, after he had

remounted the throne? The answer is plain and obvious: By this revolution, and the consequences of it, the Prince of Orange's ambition and share in these measures, with which King James was loaded, being sufficiently discovered to the world, together with the roguery of those ministers, who, to serve the prince's design, forced the king unwillingly enough upon those steps which we complained of, with a design to ruin him; by the restoration and punishment of those ministers, the king and people both will be safe from any repeated assaults of the prince's ambition, being so well cautioned by the first, and succeeding ministers will be terrified from such infidelities for the future. The author supposeth a case which will not probably fall out, and so is not weighty enough to restrain us from assisting our king in the recovery of his rights, which positive duty obligeth us unto: And whenever the like case occurs, such corrupt ministers, who advise such measures, will become a more justifiable and easier sacrifice for the averting such dangers, than our ancient government and constitution. And it is pleasant enough to imagine that wise and thinking men can be imposed upon to continue under much more weighty oppressions, greater and more visible dangers, threatening both religion and liberty, by King William's government, from a fear we may again fall under those lesser evils which we suffered under King James, and which were due rather to the contrivances of the P. of O. than the king's own depraved inclinations. And whereas it is complained, "That such pangs of loyalty are unseasonable now, and should rather have been employed for keeping him in his throne than restoring him to it;" why truly few people did suspect that the prince did really design what he so seriously and solemnly declared against; and every man was struck into a state lethargy by the suddenness of the prince's attempt, the wonderful success it met with in the beginning, and the charming wheedle of securing liberty and property, which we are sadly and severely roused from at last by unspeakable oppressions, by the expiring groans of liberty and property, and by the dreadful view of those miseries, which threaten us from all hands and in all events.

As to the obligations we lie under from the oaths of allegiance to the present government, the author himself acknowledgeth, that if we be convinced that our oaths to King James are still binding upon us, the obligation of the second is voided by it, which is a plain enough answer to his own argument; especially when we consider that King William's manifest infractions of that original contract which we made with him, upon the maintaining and preserving of which our allegiance was expressly founded, doth evidently and unanswerably dissolve and make void the obligation of our oaths, and much better solves all scruples upon that head than Dr Sherlock's providential reasoning: And whereas it is asserted by this author, that allegiance can never be expounded to a lower sense than to live peaceably under the present government, though we will not fight for it, and not to attempt any thing against their persons or crowns, not to hold correspondence with their enemies, nor to give any assistance to King James for the recovery of his thrones; in this he hath forgotten their own practice: For our reformers have taught us, that allegiance may be expounded to a much lower sense, even to the abdicating the monarch to whom the allegiance was due, to the filling of his throne, and transferring of that allegiance to another; and would take it very ill to be charged with perjury for it. *Quis tulerit Gracchos de seditione loquentes?*

We are exhorted by our authors to beware of contributing towards King James's return, lest we engage our country in a civil war, and all the dreadful consequences of it; the destruction of our people, the utter consumption of our estates, the burning of our houses, the ravishing of our wives and daughters, the extirpation of families by sword or halter, and the utter ruining our cities, towns, and villages, are the infallible consequences of it. The mighty deluge of blood which was shed, and the unspeakable miseries which overwhelmed this nation, during the struggle betwixt the two roses, and our contests with King Charles I. are undeniable proofs, and may convince us how fa-

tal and destructive it is to beget and establish a competition of titles to the crown, and to dethrone monarchs; and the calamities which over-run France and Germany by the civil wars, which begun upon the account of religion, may let us see how displeasing it is to God Almighty to have religion made a cover for ambitious and private designs. This civil war is already commenced, and we have established those grounds and sown that seed from which we shall not fail to reap a plentiful harvest of blood and ruin, without a speedy and vigorous prevention; nay, we have been so fond of entailing certain misery upon ourselves and posterities, that we have coupled together two of the strongest motives in the world for a rude and lasting war, viz. repeated breaches in the royal line and succession, and the vacating the throne upon the pretence of religion; either of which separately hath never failed to ruin whole nations, provinces, and cities. It is obvious at whose door this is to be charged; they who forced away their king upon the account of his religion, inverted the nature of our monarchy and the succession, and refused all treaties and securities which were offered them, have laid infallible foundations for those mischiefs; and they who wish and labour for the return of the king, are the only true and skilful physicians who clearly discover, and are willing to apply the most proper, nay only, cure which remains for our disease: And the authors' reasonings from the miseries of a civil war, doth evidently arraign their own practices, and concludes most forcibly against themselves as the promoters of it, since it is not to be supposed that a just right and title is to give place to force and usurpation, and fall a sacrifice to those necessities which we first bring ourselves under, and then plead for our excuse.

In the last place we are caustioned against the king's return, from the intolerable payments we must come under, for refunding those sums which he hath borrowed of France to maintain himself, to keep Ireland, and to discharge the forces that come to thrust him on us, which will prove a ten times greater tax for many years than those we pay for the support of this government, which are not considerable, reckoning the abatement of chimney-money, and are much easier than what the French are accustomed to; and that we have paid as much formerly for assisting France to ruin Europe, and maintain vice at home; and so may be very well satisfied with our present payments, which delivers Europe, and secures our native country and religion from utter destruction. Our celebrated authors could not have finished their fine pieces with reasonings which more perfectly resembled the pretences, motives, and grounds of this revolution, by their weakness, falsehood, and prevarications.

How well our present payments secure our native country and religion from destruction, may appear from the ruin of Ireland, the plunderings and free quarters practised in Britain, the breaches made upon our ancient monarchy and constitution, whereby a war is entailed upon us and our posterity; from the violences done to our laws, rights, and liberties, and original contract made with King William; and from the present visible and imminent dangers which our religion and liberties are threatened with by any probable issue of this war, "under a prince who hath quite overturned the liberties of his own native country, made fair advances towards the ruin of ours; and was never yet successful in any enterprise he undertook, except when he invaded his father-in-law, contrary to all divine and human rules, (which perhaps God designed as a scourge to these nations for our sins,) and when he fought Luxemburgh's out-guards at St Dennis, with the peace in his pocket, contrary to the publick faith and law of nations, as if he were predestinated to be successful only in crimes, but unfortunate in heroick, brave, and generous actions; such as restraining the ambitious encroachments of princes, and vindicating the rights and liberties of oppressed nations, having always practised in his own case what he pretended to reform in another's."

How little the deliverance of Europe is carried on by our present payments, is but too evident from the growing successes of France in Flanders, and the taking their

most considerable towns and fortresses in the sight, and under the nose, of our present monarch and those mighty confederate armies. It is equally false to insinuate, that our payments during King Charles the Second's reign bore any proportion with the taxes under this, and that they were employed only for assisting France to ruin Europe: for the subsidies we have already paid to this K. (which Sir Edward Seymor, who might very well know it, assured the House of Commons did amount to eighteen millions before the last impositions which were granted) do far exceed all the taxes paid to King Charles, joined with the several payments made to our Edwards, our Henries, and our Elizabeth, who raised the honour and reputation of this nation so high, and spread our conquests so far: And it was to King Charles his authority and mediation, the peaces of Aix-la-Chapelle and Nimiguen were due, which put then a stop to the French career. And I am afraid our present payments will very hardly bring about a peace again upon the foot of those treaties; and we are to take it as a very great favour, for which we are to be thankful to God and our present king, if the taxes we pay during this government fall any thing short of the French oppressions, and four millions a year, over and above an allowance for the abatement of chimney-money and the ordinary revenues of the crown, are but inconsiderable payments in the opinion of these authors. It seems their court preferments are great and rich, that they are so little sensible of those taxes, which are already become so heavy to this nation, and of which we see no end.

But "the growing debt to the French king for those sums already spent upon King James's subsistence, and the defence of Ireland, and to be farther expended for his restoration, will quite sink and undo this nation." It appears that these authors take it for granted, that the mercenary temper of the Dutch in demanding and obtaining satisfaction for their expences, which, out of a tender regard, forsooth, to our liberties, they bestowed upon our deliverance, will be exactly copied by other princes: But this is the first instance of such merchandise; and it is not to be believed that great princes who study fame, and tenderly regard their honour and glory, will imitate so base an example. But suppose they should, our author is as wide in his estimate of this expence as in his other reasonings. We are frightened with a charge ten times bigger for many years than our present payments, and yet will very much fall short of the half of one year's tax we pay now. The sums spent upon the king's subsistence in Ireland doth not amount to three hundred thousand *luidores*; and as for the charge of his return, I wish, and heartily pray, that all true Englishmen would unanimously concur together to prevent the pretence of demanding any such charges, the necessity of foreign troops, and even the remotest fears of French popery and slavery, by returning our king with as general a consent as he was forced from us, which will vindicate the protestant religion from the reproach of deposing principles, and establish it for the future; will resettle the ancient monarchy and constitution of this nation upon its old basis; will repair the injury done to our lawful king, whereby we may legally obtain those securities for our religion and liberties, which we are courting unsuccessfully amidst so many desperate dangers and difficulties; will infallibly relieve us from the weighty oppressions and manifest infractions of our choicest and most valuable rights, which we at present feel, and have so much reason to be apprehensive of for the future; will deliver us from the heavy burthen of so many taxes, which we have already paid, and which yet must be continued if we design to support a crazy and unjust settlement any longer; which, after all our blood and expence, must certainly fall to the ground, and give place to the natural force and weight of our ancient government and monarchy; to the just title and undoubted rights of our lawful sovereign and his posterity; to the love, affections, and native inclinations of Englishmen, when the present fit is over; and to the interests of our neighbouring princes and states, which lie visibly cross unto it, so soon as their present differences are at an end: And, lastly, by this method we shall be secured against those fatal influences upon our liberties, which

never fail to accompany all forced, irresistible, and unexpected returns of exiled monarchs.

I do humbly beseech Almighty God, that of his infinite mercy, for the good of these nations and of all Europe, he would open the Prince of Orange's eyes, give him a sight and discovery of the vanity as well as injustice of possessing his father's throne; and incline his heart to establish religion and liberty among us, and give peace to all Europe, by doing an act which would bury in oblivion the famed instances of Dioclesian and Charles V. and immortalize his name, even by restoring his old father to his right and inheritance. Was it really the danger our religion and liberties were in which put him upon coming to Britain, this would be an infallible way fully to secure them by new laws and concessions, against which there lay no objection; or was it to put himself at the head of the British forces, thereby to give a check to the towering ambition of the French monarch, this would more effectually do it, for either that king would think himself obliged, out of gratitude to a prince who is truly a martyr for a supposed French league, to give a reasonable peace to Europe, in order to King James's restoration; or by a refusal, our king was at liberty to consult his own interest, and to unite with the confederates by the advice of parliament, which would make such a general and vigorous application of the English forces that way, without any fear of domestick distraction, as would quickly oblige that great monarch to give ear to reason, and a peace to his neighbours; and the glory of having given peace to Europe, and subdued himself, would place the Prince of Orange's name upon the highest pinnacles of fame, furnish the greatest character imaginable for history, give a great and noble example to future ages, declare him the benefactor of the Christian world, and oblige all British subjects to acknowledge that he had most generously contributed his best endeavours for the securing of the protestant religion, and the free enjoyment of all our laws, rights, and liberties, under a just and legal government, according to his Declaration.

A French Conquest neither desiderable nor practicable. Dedicated to the King of England.

The pamphlet was published while the designs of invasion from France were in the progress of ripening. They were finally blighted by the defeat of Tourville's squadron at the battle of La Hogue.

It must have been an obvious objection to the designs of the Jacobites that the counter-revolution, by which they hoped to replace the dynasty of Stuart, could not, in the nature of things, be executed without the assistance of a French army, which army, in the ensuing struggle, might prove dangerous to the independence of the British crown. A friend to the Jacobite cause has endeavoured, in the following Tract, to allay the suspicion to which the French alliance necessarily exposed it. The king, to whom it is dedicated, is of course the exiled monarch, James II. The "Grand Monarque" was probably of the same opinion, for had he judged it possible to acquire the kingdom of Britain by conquest, he would doubtless have made a serious attempt for so desirable an object.

But this Tract was particularly remarkable, because with the jacobitical production which follows, entitled Remarks on the late Revolution and present Confederacy, it gave occasion to the se-

vere fate of Anderton the printer. They were seized in his possession, and on the 1st of June, 1693, he was tried for composing, printing, and publishing the said treasonable papers. The evidence against him was very suspicious, consisting chiefly of the messenger or comptroller of the press and his assistant, who, as he could not read, could scarcely prove that the papers exhibited in court were those found in Anderton's custody. Of publishing or printing there was no direct proof. But Treby, Lord Chief Justice of the Common Pleas, who presided at the poor man's trial, repelled the defences, although they were made with more address than could have been expected; and proved the printing of a libel to be treason, by reference to the case of Lord Cobham, who lived a century before the art of printing was discovered. This second Jefferies finding the jury favourably disposed towards the prisoner, reviled and reprimanded them, overruled their scruples, and absolutely dictated their verdict. Accordingly Anderton was at length found guilty, condemned, and executed. He suffered with great firmness, leaving a protest against the injustice of his sentence, and his forgiveness to the penitent jury.

To the King.

SIR,

NOTWITHSTANDING you have been traduced by your enemies for having ill designs upon the nation, and that those enemies have had too fatal a success in spreading such improbable suggestions, (too fatal for their native country as well as for you, who are the monarch of it,) yet I am so assured that your majesty jealously watches over the glory, and aims at the true interest of your kingdoms, that I am confident a discourse that proves a French conquest of this island to be neither the intention of your friends, nor your own, nor practicable in itself, will not be an unacceptable present.

Conquest is a harsh word, and it frightens weak minds. And that you yourself should conquer can be only wished for by such as intend their own interest more than yours, in your restoration; who intend to live upon prey, and would destroy half the nation that they might have the better share of the confiscations. But if that should be, yet the most remote surviving relations of those that are killed or executed when that horrid trial of skill shall be over, will have a mind to the estates of their ancestors; and the banished out-laws will be ready to stir up any enterprising prince abroad, or such as are discontented at home, to give future disturbances; so that these kingdoms will be still continued under convulsive agonies. And, after all, I beg leave to say, that no prince by conquering, or to speak more properly, reducing his rebellious subjects, can have any title to take away the laws and liberties of those that remained faithful.

I must confess I am one of those that can never (as well for his as our sake) assist any king that has the glorious title of succession, to debase it into the mean, hated, and precarious one of conquest. But I think our own hereditary and equal monarchy to be so much the most happy sort of government, both for prince and people, that I can very willingly run any hazard to settle things upon that foundation.

Come home, great sir, to restore our trade; to repair our naval reputation and strength; to make us the umpires of Europe; to deliver us from Dutch delusions; to preserve our church, as established by law, from being debauched by comprehension; to settle liberty of conscience in a duly elected parliament; and to establish all the liberties of the English subject.

It is because I am confident these are your royal resolutions that I wrote this short discourse, and now dedicate it to your majesty. The subject is of that importance to your affairs that it deserved to have been better handled, and I desired some abler pens to have undertaken it, but their thoughts were otherwise employed; yet, though I am sensible I have not done it all the justice they would, I think I may without vanity say, I have made it plain beyond the cavils, or at least reasonable objections, of your adversaries, and I hope it may have some effect upon them.

That God would restore your majesty to your throne, and to the hearts of all your subjects, is the unfeigned prayer of,

May it please your majesty,
Your majesty's most obedient,
Loyal subject,
N. N.

A French Conquest neither desirable nor practicable.

Since our enemies, in some of their pamphlets, and many of their discourses, amongst several other things wherewith they falsely charge those whose sole design is to restore the ancient and hereditary monarchy, together with all those securities we ever had, or are necessary for the preservation of the English liberties and protestant religion; I say, since our enemies, amongst other things, unjustly charge us with designing, or, at least, unwarily helping forward, a French conquest, I have determined to shew that such a conquest is neither desirable nor practicable; that we are neither such fools nor knaves as to think of such fatal projects against our native country. I shall endeavour to make out both the one and the other plainly, but not elaborately, since brevity and perspicuity is more proper to disabuse the honest and plain-hearted (for whose information I particularly write, and who are most misled by these insinuations) than long and artificial harangues, wherein the authors refine too much, or interlard too much learning.

I begin with the first head of my discourse, *viz.* That a French conquest is not desirable.

There is no sort of men desire it. I know nobody that would subject our fortunes, our liberties and lives to the power of France: They that urge it don't believe we would. We lament the taxes, the imprisonments, the plunderings, and the pillaging of England; the torturing against law, and the Glenco-Massacre in Scotland, together with all the other miseries that infest this island; we would not bring more upon it; we would not depopulate it; we would not make it a Golgotha: And that the world may be convinced that none of the Jacobites desire a French conquest, I shall shew it contrary to the interests and inclinations of every denomination of them to let the French have any footing here.

It is almost a jest to go about to prove the Whiggish Jacobites would not find their account in a French conquest. Can it be imagined, that men who have been always struggling with their own kings for more liberty, and to have their properties better guarded, who have been hitherto so jealous of the lowest imitations of French monarchy, should expect greater securities under a provincial French government, or desire to become subjects to a king whose own natural subjects they think are very hardly dealt with?

As to the Jacobites of the church of England, nothing can lie more cross to their notions and interest, than a French conquest. Can it be believed that those who venture all to preserve every gradation of the royal line, would convey over the tenure of the crown to one that has no pretence of right to it? Did they not oppose the Bill of Exclusion upon this principle, that it is not in the power of king and parliament too to alter the succession? Can they then give up the interest of our English monarchs all at once? No, their consciences will bid them oppose a French conquest with the hazard and expence of the last drop of their blood: And their interest will bid them to do so too; for a French conquest cannot be maintained here without so many outlandish Roman catholicks, as will be a very indifferent guard to the church of England; and if the French king should be king of England, he must in mere policy set up his own religion here, if he did not think himself obliged in conscience to do it.

I come, in the last place, to the Roman catholicks, (of whom our adversaries expect the world should believe any figment, though never so monstrous and absurd;) and I must say, that those among them who, by reason of their estates and sense, will always govern the rest, are not so little read in our histories, as to suppose, that, though such a conquest did at present make for them, (as it really will not) it would be lasting. They are now convinced, that it is by becoming Englishmen, and not by running counter to the English interest, that they must be happy; and they profess, that if we will once give them opportunity to shew how well they love our liberties, we shall see they place their hopes in the indulgence, they shall gain by the moderate and inoffensive carriage of their own party, and not on foreign dependencies. They know that the revulse of all such projects must extirpate them and their posterity together with the foreigners; and they know we must be entirely rooted out, or we shall root out all foreigners at last.

I must do that party still more justice. I thought always they were neither wisely nor religiously used by us; that we ought not to punish any man for mere opinions, and that we ought not in good sense to irritate men into treasons at home, or dependencies on foreign princes: This I always thought; but since the misfortunes of his majesty I have had occasion to converse more freely with the Roman catholicks, and I must say, I have found amongst many of that persuasion the same sense of liberty their ancestors had, and our old papists who have transmitted to us our *Magna Charta, Charta de Forresta,* &c. I have found amongst so many of that persuasion not only all the good impressions of that happiness we enjoy by our constitution, but so particular a detestation of all thoughts of a French conquest, that as I think no death too cruel for any body that would promote it, so I am confident whoever can be proved designing it, would be found guilty even by any jury of papists that can be summoned.

There are possibly some Roman priests, that may endeavour to blow up the laity to some unreasonable hopes and designs; but I am well satisfied a French conquest is none of them, and besides the laity of that church begin to reflect upon the folly of the priests, when the king was here; and they now see, that the priests are light gentlemen, without families or fortunes, and so can better shift in a storm than the laity can, which makes ghostly politics much out of fashion even with the Roman catholicks, that have sense, quality, and estates; and they will always govern the rest in what concerns the security of their persons and estates.

Cambden, though in many respects an excellent historian, whether out of bigotry to his own church, or that he may enhance the character of Queen Elizabeth, who made and promoted such severe laws against both, never speaks favourably either of puritan or papist, and yet there drop from him expressions, which shew, although the Reformation was then so newly settled, and though the papists were then more numerous than they are now; nay, though they were not many of them satisfied of the legitimacy of Queen Elizabeth, yet the generality, and the most considerable papists would not join in the Spanish designs; and they blamed the hot-headedness of Parsons the jesuit, &c. Read Cambden's Annals in English, page 113, 114, and 115, and you will find that in the Rebellion of the north, (which was the first in her reign,) though Chapine Vitelli, Marquis of Cotona, was sent over to head forces, which the Duke of Alva had promised the rebels; and Nicholas Morton, a priest, was sent at the same time by the pope to denounce Queen Elizabeth a heretick; yet most of the papists sent the letters they received from the rebels, together with the bearers of them, to the queen. Page 125, 126, you may read Pope Pius's bull against the queen, and that the modester papists misliked it, and were unwilling to bring mischief upon themselves; nay, the beginning of the next page tells you, "they contemned it as a vain crack of words." Page 218, "the papists express such dislike of Parsons's fiery zeal against the queen, that they thought themselves to have delivered him into the magistrate's hands." Page

248, " the Roman catholicks mislike the notions, in politicks, of their priests; and J. Bishop, a man devoted to the Romish church, writes against them, and against the deposing doctrine." Other passages might be quoted out of that history; but here are enough, and perhaps some will think too many, for whose purpose it makes more to render the papists errant monsters.

Though, by reason that our adversaries are likeliest to be believed against the Roman catholicks, and prejudice our cause by the general prejudice that is against them, I have been the more particular about that party, yet I thank God no man is less liable to be proselyted to t heir opinions in matters of church-worship, than I am, or more loves, or will venture farther in all times for the characteristic liberties of the English subject; liberties that I will defend, as far as in me lies, not only from all foreign powers, but from all encroachments of our own monarchs too; though I must say at the same time, that I can distinguish between liberty and licentiousness, and like our own true and ancient hereditary and equal monarchy the best of all the several sorts of government; and know also that there are many prerogatives that are as necessary for the protection of the people as for the safety and grandeur of the prince.

The world is much mistaken in our notions; I wish they would hear 'em from ourselves, who can best tell the reasons of our dissent from the present government, and with what designs, and how far we do, and will serve King James; and they will find even the non-swearers of the church of England have in their loyalty to him a due regard to their country likewise. By this frankness all parties might come to understand one another better, and the late experiments have made all those of the several parties, that are for King James wiser and more temperate than formerly; the Jacobites wish their own disappointments had made the Williamites as much so; we know indeed they have made many of them wiser.

We are so far from wishing the King of France should conquer us, that we don't wish King James should. We will receive him, we will help him, as our father, as our king; but conqueror is not in the language of our loyalty. The church of England have been ever thought to carry the notions of prerogative the highest; but I believe amongst the non-swearing clergy, there will not be found one St Asaph, one Burnet; and we are heartily glad, that those who sit in the two houses ordered such a stigma for such nauseous flattery: And should the king be forced to reduce these kingdoms by a high hand, which many of the Jacobites are sure he is very unwilling to do, and we hope the nation will be wiser than to put him to it; yet even then all the wise and influencing Jacobites will interpose, will keep him (if he should be inclined to do otherwise) from pursuing revenge, and will tell him, that the end of civil war must be attended with moderation in the conqueror; or otherwise he that is one day victor by the sword, may be vanquished the next by jealousies. If he should unmercifully devour even his rebellious subjects, we ourselves should stand affrighted at him, as at a Polyphemus, and conclude he would feast upon us at last. Our Henry the Third had like to have lost himself by an intemperate use of his victory over the barons: And Edward the Second did lose himself by using extreme rigours after his victory at Burton upon Trent: Other instances of this sort may be found in our own histories; and if we rightly consider the present state of affairs, the defection was very general, and upon the account of mal-administration, and therefore the pardon ought to be without exceptions; and a rectification of those errors will restore the king to the hearts of all his people, as well as his kingdoms, without effusion of blood. They are state-quacks, who only understand phlebotomy. A good physician will sweeten and compose the mass of humours, and by proper lenitives quiet all our boiling spirits, and correct the temperament of the state into obedience, without creating faintnesses, or destroying our vitals. This all the considerable Jacobites are now satisfied of, this is their opinion. It is not the title of the king that is the dispute; then indeed wise kings have

after victories, been severe, as our Henry VII. was; but the same Henry VII. was as merciful in Flammock's rebellion, though it was occasioned by collecting taxes that were granted by parliament. His son also, Henry VIII. (who was a prince of a high mind) when 30,000 were in arms in the Yorkshire rebellion, which was upon account of what they thought mal-administration, pardoned every man, and after quieted their minds by sending down a book amongst them to explain his intentions. It is by mercy and letting us see clearly in his royal heart, that our king, King James, must establish his throne; and even they who believe passive obedience would not be active in the destruction of their country; and though they think the church of England supports the monarchy, yet now they are satisfied nothing less will secure their church, than what makes our liberties safe. You know there are others in his interest, who will claim their rights in a bolder manner yet; I bless God there are many of them, some of whom never touched with this government, and others who have been so disappointed by its ministers and administration, that they no longer expect a cure from the Prince of Orange's hands; you cannot think either the one or the other of these desire to be a conquered people, nor do I know any one man that desires it.

Indeed this government has taken all methods by harassing and imprisonments, and such taxes as must undo us, to make the Jacobites do some desperate thing: and if any thing would, such usage would make us wish for a French conquest, or any other change of torments; but nothing can make us wish for a French conquest They have not yet made us rise, that they might have the confiscation of our fortunes, and dub King William conqueror without controul: I hope we shall never rise, till we do it to the purpose, till the nation rises with us; I hope we shall disappoint that design of parcelling out our inheritances amongst the sworn vassals of the Prince of Orange, as Ireland (which could easily have been made to follow the fortune of England at the beginning of this revolution, had not this project been in their head) has been shared amongst them. I hope we shall disappoint them here by a wise and temperate conduct. They care not what slaughters, what distresses, they bring upon the nation: but we would restore peace and plenty to it; and whatever our enemies say, (who have all along had a great faculty of contriving lies and forming hobgoblins,) we love our country, our native country, too well to let any uneasiness make us have one thought, one wish for a French conquest.

The Prince of Orange, in his Declaration, says, One of the ends of his coming was to cover all men from persecution. He has kept that as well as the other parts; for he cannot but know that many of those who refuse the oaths, do it out of conscience; and how many (against whom no other crime has been proved, but the refusal of those oaths, and therefore in the sight of the law guilty of none else) have had their arms and horses seized, have been hindered from following their lawful business, put to find unreasonable bail, been laid up in loathsome prisons, and been forced to pay most part, if not all, their incomes? If this is not persecution, I know not what is; and I think he cannot but believe it is generally for conscience sake. Is not that venerable old man, Archbishop Sancroft, and several other bishops and dignified persons, who have shewn a sufficient concern for the protestant religion, and whose loyalty was not stupid, (to use Dr Sherlock's epithet,) but that they stood up for the laws,—are not many of these excellent persons reduced to great straights and poverty, because they have not supple, time-serving, providential consciences? How many of the inferior clergy are sent to beg their bread, who made it a point of conscience to oppose the irregularities of King James's ministers, who, though they would have been, and are now willing to consent to liberty of conscience, parliamentarily settled, were not flexible to the tricks set on foot by those designing ministers? There has been already, I think, a sufficient persecution of the Jacobites; but the judges are commanded to set a greater forward still: however, that shall not provoke us to a rash attempt, neither to hurt our-

selves nor our country, neither to make King William's hotchpotch title a conquest, nor to think of a French conquest.

We cannot swear away our allegiance which we owe to King James, as his birthright, and which most of us have sworn to him; but if it had been thought fit to contrive an oath, which should have expressed our love of England and our abhorrence of a French conquest, whatever mulct had been laid upon the refusal of it, whoever had refused it would have been by us unpitied, though you had exacted the mulct never so severely, for we are all satisfied a French conquest is not desirable.

That a French conquest is contrary to the inclinations and interests of the several sorts of Jacobites, is a good argument that it is not practicable. But now I fall upon my second head, I presume I shall directly and irrefragably make out, that a French conquest is not practicable; and that, by shewing,

I. That a French conquest is as little King James's inclination as his interest.
II. That such a conquest is palpably opposite to the interest of all the princes and states of Europe.
And lastly, That to attempt a French conquest of England, either for himself or King James, is not the interest of the King of France himself.

I omit shewing a French conquest is against the interest of King James, for I don't think it worth my while to prove that it is against a man's interest to have his estate taken from him, and his posterity destroyed. King James has a child, that he believes, and you believe too, (notwithstanding all the pains you take to be thought to believe that useful flam of your pretended imposture, which was at first taken up and industriously promoted, (like that of the Irish cutting the throats of all the people of England and Scotland,) to help forward this revolution,) to be a true Prince of Wales; and, at least, this innocent child has not disobliged the king; and this is enough to make him take pity of the nation, however rebellious and ungrateful we have been to him: But, besides, he has several times since his exile expressed himself in so pathetic and extenuating a style concerning those subjects that have used him so ill, that it would be almost incredible, if related: And though the Prince of Wales was dead, he retains even for the Princess of Orange such a fatherly affection, as plainly supersedes royal resentment; and I have heard one that was by say, that upon a gentleman's mentioning, even upon occasion of business, the fault of the Princess of Orange, and that with all the modesty imaginable, (and he must touch very tenderly upon that string who will make his court to the king, though such virulent pamphlets are licenced here against him,) the king replied, "That the Princess of Orange had natural foundations of goodness that Dr Burnet and the Bishop of London can never destroy."[1] And further, they who have been at St Germains know with what indignation the king treats all thoughts of restoring him by any other method than by a great concurrence of his own people. The king knows how obstinate the people of Britain, nay, many that are now his own friends, would resist any other method; and he knows that the riches of a country are the people of it: He would be himself, and he would have his son the King of Great Britain; and he does not think it worth his while to be king of trees, of beasts, and a desolated land, or to leave such a ruined kingdom to his son. When I weigh the good inclinations of the king, and the barbarous persecution and misrepre-

[1] James's counsellors ventured to differ from him on that subject; and such an opinion was very unceremoniously expressed by a sea-captain who had followed him to St Germains. Some dispute had arisen on the comparative demerits of Queen Mary and the Princess Anne at the period of the Revolution. While the king was engaged in softening the part acted by his younger daughter, this gentleman, leaving the presence, muttered, as he shut the door, but in a tone loud enough to be heard through the whole apartment, "Both bitches, by God!"

sentation he has met with, I am shook with a double agony: I compassionate his wrongs, and am astonished at our ingratitude, and that we would not once try whether the things we complained of proceeded from his own nature or from those about him, whom the Prince of Orange had corrupted. The scene of his and our miseries is abundantly and admirably laid open in an excellent book printed last summer, called, Great Britain's Just Complaint;[1] and if I would entertain the world upon that subject, I must either transcribe what may be found in that book, or relate the history of the same matter of fact, without doing the same justice to the cause of the king. That great and judicious author has discovered the whole mystery of iniquity; how such snares were laid for the king as an honest-minded man could scarce escape; how willing the king was to redress our grievances, when he found he had been in mistakes, and this before he went away; how he continued in the same mind when he was addressed to by some of his subjects of Scotland, who had appeared most vigorously to resent those mistakes, and this when he was under no pressure in his affairs. I will add no more to justify the inclinations of the king, but beseech every body who reads this, to read Great Britain's Just Complaint, which puts the nation upon the best method for us to know the inclinations of our king. He advises, p. 48, "to resume that treaty we so foolishly broke off and refused, and thereby to secure religion and property by those concessions which our sovereign is still ready to grant us." He goes on, "Let us put it home to him, and lay it at his own door; let him have it in his choice to return by his people, if he pleases. Convince him, that his protestant subjects, upon securing their religion and liberties, will repair their former errors, by contributing heartily towards his restoration. And, as that author says, if he declines to return upon a protestant and English foot, there is an end of the controversy, and of *all disputes among protestants; for religion and liberty will never be sacrificed by true Englishmen.*" And I will add to what he says, If no true Englishman join with him, whatever forces they can transport upon us, neither can King James come home, nor can the French conquer us: But, God be praised, a great many true Englishmen will join to bring home the king, though I know not one so bad an Englishman as would join in a French conquest.

But I come in the second place to shew, that it is not the interest of any of the princes or states of Europe, that the French should make us a conquest. The excellent author of the above-named Great Britain's Just Complaint has proved, that whether this confederate war ends successfully or unsuccessfully, in all likelihood, and according to all the rules of policy, the restoration of King James must in a short time follow upon the determination of it: But it is my business to make it plain, that though it may be, and is the interest of all countries to have King James restored at the conclusion of this war, yet it is not the interest of any of them that the French should conquer us, have our kings their vassals, or be masters of our ports. Would the Spaniard have the channel shut up on both sides to Flanders? Would the Dutch have the English and Irish ports managed by such select committees, as the French would infallibly set up for trade? And how long would the Dutch resist ours and the French power, united under one absolute monarch? Would not the northern crowns, and all the princes of Germany, soon feel the weight of such a confluence of strength? The influence that such a conquest would have upon all the states of Europe, be they never so remote, is at first sight so evident, that there is not one of them who would be an idle spectator of our ruin. Every body now knows the danger their own house is in when their neighbour's is on fire. Every little politician knows how much greatness depends upon naval preparations and trade; therefore every body would be alarmed, every body in an uproar, when they saw such maritime kingdoms as ours like to be

[1] See the preceding Tract.

made an accession to the numerous land-forces of France. They are idle brains that dream of universal monarchies at this day; and though whole kingdoms heretofore would not join in a common defence, whole Europe would now. However ambitious the King of France may be, he can never think of so unwieldy a project, in which he must not only encounter all England, all this island, all these three kingdoms, but all Europe too.

I come in the last place to shew, that it is not the interest of the King of France to attempt to make us a conquest, either for himself or King James. I would ask but two things to be granted me, which, I think, will be granted by most men: The one is, that the King of France tolerably understands his own interest; the other is, that he will follow it where he finds it. And now I shall proceed to prove, that it is not the interest of France to attempt to make us a conquest. The unwieldiness of the project is one very good reason against it. Less than one hundred thousand of his best men cannot make us a conquest, and keep us so; and he must only take possession of the land, and not expect to be master of the people, by reason of our religion; and whoever he sends to be his lieutenant here, will be under great temptation to revolt from him, and set up for himself, or become the first subject of these kingdoms, which we shall be willing to make him, and a greater subject than France has, rather than not get rid of the miseries of a provincial, and be restored to our own government. Consider how much danger the absolute power of France will run by a too free intercourse with the few surviving Britons, who will acquaint so many of his soldiers what were the freedoms of our land. Consider whether France can bear such an evacuation as is necessary to make and people us a province. We believe that the expulsion of the Hugonots let out too much of his people, too much of the vital blood of France: It did so doubtless, and a plantation of our island would endanger all he has upon the continent. What neighbour that envies him, would not be glad to see him make such an experiment, would not nick the lucky opportunity, and pull back all those towns and provinces, which he may now much more easily keep than he can gain us? Would any peace, any leagues they can have with him, be proof against such a promising temptation? To attempt the conquest of these kingdoms would indeed be grasping at a prodigious shadow, but he would not fail to lose a great deal of real substance. The King of France is not such a knight-errant, he does not love to venture over much: He, like Julius Cæsar, when he had attained the empire, loves to make good what he gets, and is not like the Macedonian rambler, greedy of difficult and bloody travels. Let the designs of France be as vast as they will, their king is no madman. Augustus and Tiberius (who were both skilful in government) are thought by very sensible men to have neglected Britain out of this wholesome state-maxim, That it was necessary to bound and moderate the Roman empire. It is certain those two emperors often thought of bounding the Roman empire, and of bringing it into a tenable compass; and it is plain, that mighty empire was at last overthrown by its own weight and largeness. The jurisdiction of France is of a prodigious growth for this age; and if the King of France thinks of subduing such a brave and populous country as we are, so united as we shall be, when we find only the French king's interest at the bottom of the plot, and so assisted as we shall be by all the potentates of Europe for their own sakes, he will miscarry in the enterprize, and France itself will tumble from its height. It is a bolder undertaking than was recorded of Alexander the Great; and though the King of France should overrun us, he would, like that Alexander, never be able to settle a government amongst us, but his very victories would shake his own.

Let it be farther considered, That though the French have been successful in wars near home, yet they have been unsuccessful in remote undertakings, where either the transporting by sea, or the uneasiness of the passage by land, have rendered succours hard and difficult to be sent. What rendered all their attempts upon the kingdom of

Naples and duchy of Milan ineffectual, but the difficulties they found in sending supplies to Naples by sea, and to Milan over the rough Alps? In our King John's time, Lewis, the then dauphin of France, was invited over and sworn to by many of the barons; but did not the difficulty of getting supplies to maintain his footing at last utterly defeat all his hopes? Would not our present sailors carry their ships to any part of the world, rather than to let them be carried into France? Is there not, think you, one great man left, whose fidelity to our own right line, and whose courage and vigilance is equal to Hubert de Burgh's? Think you there is no gallant man, who would by a sea-fight hinder the pouring in of fresh French succours, when we saw they aimed at the destruction of the right of our royal family, and our own rights? I am not over fond of the present age, yet there are many brave and loyal men in it, that would defeat any French design, that were injurious to our own legal monarchy. But to come to our own days: What enabled Spain to recover Catalonia in a great measure, and to pluck Messina in Sicily out of the present King of France's hands, when they were losing ground in the confining provinces, but the difficulty of sending supplies to the one over the Pyrenean mountains, and to the other by sea? And it is remarkable, that the uncertainties alone of wind and weather rendered the supplying of Messina impracticable, even when the French were masters of the seas, and had routed the Spanish and Dutch fleets, and killed the famous De Ruyter: How much more will the same uncertainties of wind and weather, joined with our brave ships, and braver seamen, render us safe, and all such designs as a French conquest impracticable? Did not also this present king of France, in our own memories, over-run, like a violent torrent, the United Provinces, and possess himself of a great part of their country, and yet was obliged to throw up all his conquests? And for what reason? Because there was the interposition of fifty or sixty miles that was not his own, which might have hindered the sending supplies. And will not the interposition of more miles of a tempestuous and uncertain sea, joined with the rebuffs which will be given him by our fleet, lay greater rubs in his way, and oblige him at last to disgorge, though he should by surprise gain ground upon us? What was it induced the Romans to maintain fourscore thousand men in Britain, and to secure their frontiers in this island, by the famous walls of Adrian and Severus, as well as with such numerous troops, against the incursions of the Scots and Picts, who were confined within the little country now called Scotland; when at the same time they were able to protect their frontiers, with less numerous troops, from the insults of the Parthians and of the Germans, (which then included all modern Germany to the north and east of the Danube and Rhine the northern Crowns, Poland, and better part of Muscovy), each of which nations taken separately did possess countries six times bigger than France at this day? Was it not because of the difficulty of sending troops into Britain, occasioned by the uncertainty of wind and weather, though they were masters of the seas, and their enemies had no fleet to oppose them? What reason then have the French to dream of the conquest of our island, when all its inhabitants are united in one monarchy and government; when all nations are now equalized as to arms and discipline of war; and when our fleet, modestly speaking, is equal to any of our neighbours? Would it be reasonable for them, with forces less considerable than those of the Romans, with fewer encouragements from the advantage of military discipline and arms (in which the Romans did far surpass their enemies), and under many more discouragements from our fleet and otherwise, to attempt the conquest of a people much more great, rich, and numerous than the ancient Scots and Picts, who have the sense of religion as well as liberty, of all that is dear and valuable, to rouse and influence their courages; especially when from all histories, foreigners may learn this lesson, That nothing less than an annihilation can extinguish the sense of religion, honour, and liberty in English breasts?

I think I have already shewn, that it is not the interest of France to attempt to make us a conquest for themselves: And it is as easy to show, it is as little their interest to mak us slaves to King James.

I am resolved I will advance, what will be thought a paradox, viz. That there is no one country so much concerned as France, that we should have good securities for our liberties under the Restoration; and if I am challenged on this head, I can make this paradox plain to every body's understanding. I shall touch upon it briefly here. France is concerned to keep us from an absolute monarchy and popery too, and that by reason of our pretences upon the kingdom. It would be the greatest solecism in the French politics to make a king, that has such a claim, entire master of a people, who have such natural courage, and that love glory rather too immoderately, or to remove such a Shiboleth as our different creeds. It is the interest of France to promote and head our discontents, and not to lay the people at the king's mercy. They thought so formerly, and of late years. Did not Lewis, mentioned in my last paragraph, before he departed this realm, take care that Henry III. should give his oath, nay made him give it, that he would restore to the barons of the realm, and other his subjects, all their rights and privileges, for which the discord began between King John and his people? Baker's Chronicle, p. 114. Did not their great Richelieu, at the beginning of our late civil wars, send emissaries into Scotland to stir up the mal-contents, and that though we had so lately married a daughter of France, and so lately had had a quarrel with the Spaniard? Their kings must be ready to assist the people, if their rights are in real danger: When we have lost our rights, they may lose their crowns. "The friendships of neighbouring princes seldom last long, seldom during their own "lives, and are more seldom transmitted to their posterities. Many reasons and jea- "lousies of state are falling in, which occasion frequent and unavoidable breaches, and "a king of England who is absolute, and master of his subjects, may be troublesome "and dangerous to France, and may revive our old English pretences to the most con- "siderable provinces, nay to the crown of France itself." So that it will be prudent in the French king to let us alone with our old quarrels, between prerogative and privilege, and let our ease be a check upon the ambition of our princes, when a daring and enterprising spirit may be upon the throne, one who may be willing to court difficulties and dangers, and try for what his forefathers have possessed. The King of France is so far from designing a conquest for himself, that he desires no retribution for what King James his misfortunes have cost him. And this I say from good authority. And as for conquering for King James, he too well knows his own interest to think it so, to make us slaves or papists, or either of them. Of this you may read more in Great Britain's Just Complaint.

I know how artful and indefatigable our adversaries are, and that though a man beats them out of all their strong-holds, yet they will at last retire and betake themselves to those arguments, that they, in their own minds, know have no real weight; and I therefore foresee they will still endeavour to scare men with the remembrance of all our former pretended conquests; and for that reason, and that there may remain no umbrage, not even the least, to imagine a French conquest practicable, I will take every one of those conquests into consideration, and handle them apart, that I may treat of them more distinctly: and I presume the reflections I shall make upon them will show not only a vast difference between the condition and circumstances of those that are said to be our conquerors, and the present French power, and between the state of the British affairs then, and what they are now, but also show a great disparity between the interests that those invaders proposed to themselves, and what the King of France can have at this day: So that whether in a genuine and strict sense they were conquests or no, I hope to make it plain that they will in nowise overthrow the positions I have been advancing.

If any man has a mind to examine whether they were properly conquests, he must consult our antiquities, and those treatises that are expressly written on that subject, wherein he will find the point warmly debated on both sides, and perhaps with more heat than judgment; I will refer this enquirer to those authors, and fall directly to consider our several invaders.

I will begin with Cæsar's invasion, which was the first of which we have any certain knowledge.

Julius Cæsar, who was then only an officer of the Roman state, but had laid in his own breast the design of seizing upon that empire, when he had subdued most part of the ancient Gallia, (which comprehends the modern France, Savoy, Switzerland, and Germany on this side the Rhine, and the Spanish Netherlands,) and by a potent faction at Rome had obtained it of the senate as his province for many years, thought it necessary to add to the glory of his name some attempt upon countries beyond the end of the world, (for so was Britain in those days thought at Rome,) that so his dazzling achievements might make his long-intended purpose more easy; I mean his design of raising himself from a servant to be master of his country. As to the Romans themselves, when they came first amongst us, their power was united, entire, and so much too big for all our neighbouring countries, that they had given law to every one of them, before they had attempted us, and we were divided into several petty governments, who would not join in a common defence.

Give me leave now to set down, that the King of France is already at the head of a government, and needs not risk what he has, to make him superior to those amongst whom he dwells. We are united under one monarchy. There are many princes confederate against France that are very powerful; and neutral princes enough to turn at any time the scale: Nor is there, as I said, amongst all the Jacobites that I know, one man who so little loves his own king and his own country, as that he would not hazard his life against the French, if they designed any thing in prejudice of our rightful monarch, or his posterity, or our constitution itself. Can any man think we have less sense of liberty than the Irish, who yet had not a different religion to caution them, as the protestant Jacobites have here? Indeed some of us are (like them) sometimes wheedled into too early and undue suspicions of the French, even by the emissaries of the Prince of Orange; and if any body talks of governing England by French power, I am sure they must be the Prince of Orange's pensioners; and though the Prince of Orange himself is not good at MUCH, his agents have the art to foment jealousies.

Besides all this, there is a great disparity between the times in which the Romans came hither, and now, by reason of our skill in military affairs. I suppose few Englishmen will allow the French so much superior to us in the art of war, as the Romans were to the naked Britons. Our late taxes have been very ill bestowed, if our fleet does not hold the same disproportion; and yet in those days, though the Romans were so long amongst us, and though they governed us in great part by our own laws, and many of their lieutenants rather taught us the exercise of, than took away our liberties, nevertheless they never had (if our best historians may be credited) the whole land at any one time in subjection; and though such multitudes of the Britons were slain, the tribute the Romans got here cost them, in massacres and battles, more men than France will ever be able to spend upon the project of conquering these kingdoms.

Most of what is recorded of the manner of the coming, and being here of the Romans, is handed down to us by their own writers, with a naked and sedate narration; but cloistered clergymen (who used themselves to write hyperboles rather than precise truths) being those from whom we have most of our accounts of the Saxon times, we must expect swelling and legendary reports; but that wherein I shall consider, to shew the disparity between them and the French, and ours and those days, lies in a small compass, and will be granted on all hands.

The quarrels of the Roman empire had carried into France, under the banners of Maximus (one of the competitors for it) the flower and strength of Britain; and with the overthrow of Maximus by Theodosius, they either all perished, or seated themselves in Armorica. There was likewise another great transplantation of the British youth under Constantine; and at this time the Saxons were a very warlike people, and so overcharged with numbers, that they sent multitudes abroad to fight for a habitation. The frame of their government agreed very well with the British, and was very near what are at this day the fundamentals of our government. They were invited in, to preserve us from being over-run by the Scots and Picts, who were our fellow-islanders; and though I don't doubt the Saxons carried the merit of their successes against our enemies further than became our friends, yet I cannot imagine but that there was a more equal incorporation of the British stock, than we can discover at this distance of time, and from such passionate writers as are the relators of what passed then. And, after all, it was want of ships, and great divisions amongst the Britons, occasioned their overthrow, (for our monarchy was not perfected, and, as Milton says very well, Vortigern was rather chief than sole king.) These were the reasons why the Saxons so far mastered the Britons; and yet the Saxons often ran a risk of a final extirpation.

From this account of the Saxon invasion, the disparity is very obvious. I heartily lament the loss of so much English blood as has been spilt unnecessarily and unlawfully too, in these our deplorable distractions into which we have brought ourselves, by inviting over a foreigner to rescue those liberties, which he has (as we might well suppose he would) more trampled upon than all the evil counsellors of King James. We would invite a foreign prince to do our own proper work, instead of endeavouring parliamentarily to redress our grievances, or rescuing ourselves and our liberties by an English insurrection; such a one as those whereby our ancestors obtained the confirmations of their charters, and which often ended (as all insurrections ought to do) without any real prejudice to the successive monarchy, and which (let it be called now as whiggish as they will, and those that were formerly were popish) is more justifiable either to prudence or religion, than the nobility, gentlemen, and clergy,[1] (who call themselves of the church of England) their invitation of a foreign prince, which (with all the charity and pity in the world for those who were inconsiderately misled, and are not so obstinate as to think with Catiline, that ill deeds must be made safe with worse) I beg leave to say was unnatural, and in despight of his relative, and their civil duty. I say, I heartily lament the loss of so much English blood as has been unwarrantably thrown away in Ireland, at sea, and in Flanders; and yet, God be praised, we have still left generous youth enough to make us the terror of all ambitious princes, if we would once again unite to take away all disputes of title, by restoring our rightful and lawful king, and betake ourselves to negociate in the arbitration of Europe, rather than over hastily engage in wars abroad, which wars might be evidently proved destructive to this nation; and, would it not too much lengthen this discourse, would be no unuseful digression here, since our own woeful experience, from the time we have been hooked into this present quarrel of Europe, which is more the confederates than ours, has made it so proper a subject to be well considered of. I hope some person or other will handle it in a paper apart.

But I must return to shew the disparity between the British affairs now, and when the Saxons came amongst us, and that with a respect to the French nation; and I again bless God we are not yet drained by this confederate quarrel, we have hand over head

[1] Though the Prince of Orange's Declaration mentions lords spiritual, and some have raised a scandal upon Archbishop Sancroft, as if his hand was to the invitation of him, I am well assured that neither that right reverend prelate, nor his fellow sufferers, ever engaged in that design of calling over the Prince of Orange.—*Orig. Note.*

engaged in, of all those gallant men that should defend our island. But farther, Have not the French a land to live in? Is France so overstocked with people? Has their government any affinity with ours? Have we any fellow-islanders, who are of a distinct government that endeavour to destroy us? And lastly, Is not our government resolved into a natural monarchy, though, praised be God, it is a limited one?

As for the Danes, though their original is disputed, it is plain, by all the histories of those times, that they were rovers and robbers, that were to seek a country to live in, and possibly might be another swarm of the Saxons; and it is observable, that they were above two hundred years before they mastered this land; and that the reason they mastered us at last, was our want of ships; and after they had been attacking us about two hundred years, they were entirely massacred, man, woman, and child, all in less than four-and-twenty hours; and when Swain, the Danish king, (which was two hundred twenty and four years from the first entrances of the Danes) had forced King Ethelred into Normandy, Swain dying the next year, and the Danish army setting up Canute, or Knute, his son, the Saxon nobility and states were in such heart and power, that they sent messengers to Ethelred, declaring "they preferred none before their own native sovereign, if he would promise to govern better than he had done;" and accordingly, upon his promise to redress their grievances, they repossessed him of his throne, and continued it to his son, Edmond Ironside. I wish our English nobility and gentry would now send messengers to lay before the king all the mal-administrations of his ministers, and what are the proper securities against all such mal-administrations for the future; and I am confident the king will receive such a message very kindly, nay I know from very good authority he would, and that he is willing to give mankind all reasonable satisfaction. Here I must observe also, that there still remained amongst us distinct and quarrelling petty governments, (for the Saxon heptarchy was not entirely wrought up into a natural monarchy,) and yet Edmond Ironside had totally routed Canute, had it not been for that traitor Edrick, who at the battle of Alford by some wiles detained Edmond from pursuing him, which Edrick (as an example to traitors) was afterward put to death by Canute. I have another remark that I would set down concerning the Danish matters, which is, that the citizens and nobility of London stuck by Edmond Ironside, but the Sherlockian-providential-archbishops, abbots, and some of the noblemen, elected the conqueror Canute; as some bishops and too many of our nobles have done the Prince of Orange. I am sorry that the citizens of London have not more unanimously stuck to their natural and rightful monarch; but I hope they will yet have an opportunity to redeem their reputation, and that they will then unanimously call back their king, that they may blot out the guilt of their too general defection; and though too many have joined with the present usurpation, yet there are many worthy citizens that have retained their ancient loyalty during all this revolution; and the number of those who now see their error daily increaseth.

I have digressed a little, by repeating some things which are not altogether so pertinent to my main design; and since I am turned story-teller, I will put down the reason why Canute put Edrick to death, which was for slaying the Lord's anointed, Edmond Ironside; and that, though Edmond was Canute's enemy, and yet Canute himself made away the brother and children of Edmond, either of which had a better right to be the Lord's anointed in England than Canute had himself. This was such a piece of justice, as it is now of religion for our conquerors, William and Mary, to keep with solemnity the 30th of January and 29th of May. But though he was guilty of this mockery in point of private justice, yet, in relation to the constitution of England, he commanded the observation of the ancient Saxon laws (which were afterwards called the laws of Edward the Confessor), and at a convention of Danes at Oxford, it was agreed on between both parties to revive and keep those laws. I think

our present conquerors have not revived many of our good old, or made many new advantageous laws for us. It is by unreasonable fines, arbitrary imprisonments, pressing men contrary to law, &c. (against all which things the P. of O. his own Declaration inveighed, and our Bill of Rights provided,) that they maintain their conquest. These are their methods, instead of granting the Judges Bill, the Bill for Triennial Parliaments,[1] and the Bill for Mines; these are their methods, instead of courting the love of those they call their subjects.

I will add no more about the Danish invasion, but that their empire here lasted not many years, and that their kings who ruled us made this the seat of their dominions.

Let us now compare things with respect to the Danish invasion and the present posture of affairs. I must again say, the French are not a roving people, that live by pillage, and that are destitute of a dwelling; nor would they be willing to engage in a war of such continuance; nor would their monarch change the situation of his palace; nor can he spare from guarding his frontiers such an army as would be necessary to keep us in quiet, though we were subdued by a sudden fight; nor are we unprovided with ships, though I must confess I fear the Prince of Orange has not taken so much care of our fleet, as Mr Pepys's Memoirs, lately put forth, has proved King James did; which shews King James understood and prosecuted the true English interest, and is a sufficient confutation of that scandalous aspersion their celebrated Dr King casts upon his majesty. His expressions bespeak the king's inclinations to let the fleet of England sink, and the ships rot: But Mr Pepys has proved the contrary with a witness, and appeals to the books and men that are now in the Admiralty and Navy Offices. By this you may guess at the sincerity of Dr King in other particulars. King James, without taxes, repaired and added to our navy, and augmented its stores: But the vote which declares the sense of the House of Commons to be, "That the commission of the Admiralty should not be filled with men experienced in sea affairs," (though it looks like a jest) was well enough calculated for the humour of this prince, who is willing to put the nation under an absolute necessity of maintaining a vast standing army; though a pamphlet written and dispersed at the beginning of the last sessions, by the wiser Williamites themselves, called, "The Interest or State of Parties," had so evidently made it out, that the natural and only defence of England depended upon its wooden walls, and spake broadly of the insufficiency of the present Lords of the Admiralty. I suppose too, that they who occasioned our not making use last summer of our victory at sea (which even those who would fright us with the French power say was gained by a part only of our fleet, inferior in number and quality to the French, who attacked them,) and since have got Russel discharged from being admiral, instead of being rewarded with an earldom and garter for that victory, which did indeed destroy many of the French ships, though it was not the greatest victory that ever the sun saw, (as Dr Tillotson phrased it,) and yet it is the only time that we have not (by reason of our preposterous management) come off with loss and shame: I say, these men know how much better King William is pleased with land forces than tarpawlins; but how little care soever has been taken of our ships, whatever dangers the Prince of Orange would expose us to hereafter, that he may rule us more arbitrarily during his own time, yet the nation will find out his designs, feel their own strength, know whereon their own safety depends, time enough to hinder his, or a French conquest, though they will at the same time perceive it necessary to call home that prince whose claim is indisputed, and whose coming home, upon such concessions as we want, and he is ready to grant, will swallow up all factions. They will

[1] I have it from a good hand, that the Prince of Orange, a little before he refused the Triennial Bill, had in some discourse this expression, "I hear they think I will pass the Triennial Bill; but I promise them the crown shall be ne'er the worse for my wearing it."—*Orig. Note.*

ere long perceive it necessary to call him home upon such securities, even to secure their own interests. All remains of our petty governments are at an end; and since printing has been in the world, the French and all nations so well know how vindicative of their liberties the English have always been, that they will have but little mind to make us a province.

I have already intimated how unsafe it would be for the absolute power of France at home to let their soldiers hear from the surviving Britons what were our freedoms, and it would be yet much more unsafe for the French lieutenants to agree to the observation of our laws. But I will hasten to the Norman Conquest.

Before any body takes it for granted that William the First was a conqueror, I wish they would read the first part of the Historical Discourse of the Uniformity of the Government of England, written by Mr Nathaniel Bacon, and the latter end of the third part of Mr Will. Prynne's Historical Vindication of the Fundamental Liberties of English Freemen, together with all those authors these two writers refer to. But I resolved at first to wave examining whether we have ever, in a proper and strict sense, been conquered or no; and therefore must fall directly upon comparing those and our times, and the pretences of the Duke of Normandy, and what the French can have upon us.

I can find but one thing that has any shew of likeness with our present circumstances, and that is, Harold was an usurper, and had broke the protestation he had formerly made to Duke William, as much as the Prince of Orange has his Declaration to the People of England; and truly, if any thing can facilitate a French conquest, and if the times did not exceedingly differ in other respects, the breaches we have made upon the lineal succession, and the impotencies, irregularities, and exactions of the present government might make way for it: But those things that made a conquest feasible then, and are not in our present case, are very many.

The Normans came from Norway and Denmark, which places were surcharged with people, and there was no project so improbable in which their leaders could not easily engage them. The religion of the Normans and the inhabitants of Britain was the same. The conqueror had many pretences of title: Edward the Confessor's will, the donation of the pope, who also gave him a consecrated banner, an agnus of gold, and one of the hairs of St Peter. Besides his titles, here were several Normans within this land who helped him; he had been here himself to view our land, and make a party, as his own speech intimates; the then King of France helped him in his acquest; so did the Emperor Henry the Fourth; he likewise came and lived among us, and stipulated at his own coronation to defend the holy church of God, and the rectors of the same; to govern the universal people subject to him justly; to establish equal laws, and see them duly executed. "Nor did he (as the judicious Samuel Daniel well observes) ever claim any power by conquest, but, as a regular prince, submitted *himself* to the orders of the kingdom, desirous rather to have his testamentary title (however weak) to make good his succession, than his sword; and though the stile of Conqueror, by the flattery of the times, was after given him, he shewed by all the course of his government he assumed it not, introducing none of those alterations (which followed) by violence, but by a mild gathering upon the disposition of the state, and the occasions offered, and that by way of reformation." There are the words of Daniel, page 36.

Now I come to compare, I must once more repeat, that France has no occasion to send forth droves of people; and the religion of France will make the people of England resist a French conquest to all extremity. And if King James would sell his kingdoms, (as some ridiculously have suggested,) the people of England would hardly be brought to make good the bargain; and the pope's gift would as little influence our minds, though he should send with the arms of France all the reliques of Rome. We have, indeed, many French amongst us, but I think no one man fears they will assist their own king in such an adventure; they are so far from that, that they have not been

(which I am sorry to say) grateful to King James, who gave them protection and relief when they came hither in distress. And I have already proved, that it is not the interest of any prince abroad to join our three kingdoms to the French territories; and I believe, if the King of France should promise "to protect the protestant church of God, and the rectors of the same, to govern the universal people subject to him justly, to establish equal laws, and to see them duly executed," we should not take his word, nor would his own subjects be well pleased. It is King William only that is allowed to have a religion for his several dominions; that may be a synod-of-Dort-presbyterian in Holland, an episcopalian in England, of the kirk in Scotland, and a downright favourer of popery in Ireland, as is apparent by the Limerick treaty, and the pamphlet put out by the Irish gentlemen, Concerning the Proceedings of their late Parliament, and the depositions that are before the House of Lords.

I have told over our former conquests somewhat tediously, and will add very little about them; however, I desire the reader will reflect, that the neighbouring princes, because they did not animadvert how much greatness consisted in naval preparations and trade, and because we had not begun to make a figure in either, never thought themselves so much concerned, as all the potentates of Europe will now, what becomes of us. None of our neighbours ever helped us formerly, some of 'em did our invaders. Let the reader farther reflect, that it was not necessary for any of our former invaders to make such a total subversion of all our laws, as it will now be for the French king, and consequently composition and treaties more easily succeeded battles. "The former alterations rather meliorated than overthrew our constitution. They bundled up and refined our by-laws into national statutes, and introduced forms where the methods of justice seemed less articulate." And, lastly, let it be considered, though there are great divisions amongst us, some few for keeping the Prince of Orange, others for restoring the king, and several for something that they have not yet licked in form, yet all persons that make the respective parties of these divisions, will all of 'em join together to obstruct a French conquest.

There will be such divisions whenever men will commit violence upon the natural and ancient constitution, and I must confess these divisions are the most fatal symptoms that attend our distempered state, and may, and will certainly subject us (though not to a French conquest) to great calamities and devastations, unless we restore the king. I suppose I have sufficiently proved a French conquest to be neither desirable nor practicable, yet God knows what infinite mischiefs we may have brought upon ourselves by reviving a sort of quarrel which, by the mercy of God, has been so long extinguished. A dispute for title, which has in the days of our forefathers had so fatal an effect, which has so dismally wounded our state, and is left bleeding in the histories of so many reigns. Because you shall not think I aggravate the calamities, that were occasioned by the contention of the two roses, I will only transcribe some passages out of Trussel, and it cannot be supposed his history was written to serve a Jacobite-turn. Page 257, he says, "There were in the quarrel of the two roses, fourscore princes of the blood destroyed, and twice as many natives slain as were lost in the two conquests of France." Page 260, he says, "In the battle of Townton there were killed thirty-five thousand ninety and one Englishmen, and of strangers one thousand seven hundred forty-five, besides two hundred and thirty slain the day before at Ferry-bridge." In his last page his words are these: "The total of private soldiers that perished in these civil wars, and suffered punishment of immature death for taking part of the one side or the other, was fourscore thousand nine hundred ninety and eight persons, besides

Kings	2	Marquisses	2
Prince	1	Earls	21
Dukes	10	Viscounts	2

Lords . .	27	Knights	139
Lord Prior .	1	Esquires	441
Judge . .	1		

The number of the gentry is uncertainly reported, and therefore Trussel omits them, but says, "That for the most part they are included in the number of private soldiers set down to be slain, to which he says you must add the number of six hundred and thirty and eight, (the total of all the persons not therein accounted,) and then there appeareth in all to be slain fourscore five thousand six hundred twenty-eight Christians, and most of this nation, not to be repeated (says the historian) without grief, nor remembered without deprecation, that the like may never happen more." He concludes his history with this saying,

Pax una triumphis innumeris potior.

The whole history of that quarrel sets before us such apposite lessons for our times, that I wish all who love England would seriously read and ponder it.

It is time to draw to a conclusion: I am not willing to prophesy the destruction of my country, and I beseech God Almighty to incline our hearts to the things that belong unto our peace, to our peace in this world, and to our everlasting peace in the world to come. I beseech God to incline the Prince of Orange not to forfeit an eternal weight of glory for a momentary crown, which has nothing of good in it, if it is not got by the acts of goodness. God grant that he may consider it as a more valuable character to be a virtuous and a Christian prince than a romantick hero; and God grant that he may be so wise that his days may not end in tragedy. I wish he would review his own Declaration and the Memorial of the States, and that he would pursue those excellent ends for which he came, for which the States said they lent their ships, and which King James would have complied with, and is ready to comply with still. The king is willing to secure the liberties of England and the protestant religion, and had not the confederates made their quarrel unjust by giving way to an unnatural ambition in the Prince of Orange, and dispossessing King James, (whilst they pretended they formed this confederacy to repair the injuries done to them by the French,) King James, the injured King James, would have checked the growth of France, and kept Namur and Mons. He was far from a French league, and would have performed the part of a true guarantee; for either the king would have prevented France coming before them, by reminding their king of the treaty of Nimiguen, or our arms would have had doubtless success when we had justice on our side, and the wishes and prayers of all Englishmen joined with the undertaking of our rightful indisputed king. How far he was from a French league, how unwilling to think ill of the Prince of Orange, and how unwilling to be too much beholden to France, his disbelief of all the advices of d'Avaux, and of many of his friends, his answer to Bonrepos, and his refusal to the last of any French assistance, sufficiently witness; and as much as he has been beholden to France during his troubles, I am satisfied that even in his exiled state he thinks himself (as King of England) so naturally the arbiter of Europe, that he will mediate, as soon as his affairs a little more recover their figure, a reasonable peace for it. But the king need not much solicit it, for I am satisfied the King of France is willing to come into such a peace, upon condition that the king's restoration may be one of the terms of it, and that he will not be brought to make peace upon any other terms; so that the restoration of King James would give a happy issue to the troubles of Europe and our own, which our experience (after all the blood and treasure spilt and spent to humble France) may shew us will be the only expedient to save us from the power we have so much envied; and this we may learn from King William's own speeches to these two

last sessions of parliament, for he does not only make the obtaining an honourable peace from France to the confederates (instead of our conquest of France) the bounds of his hopes in this war, but allows the growth of France during this war so much, as to increase his stile from the *great* power of France (which were the words of his speech Michaelmas was twelve-months) to the *excessive* power of France, in his speech of the last sessions. This very consideration should move us. But farther.

Into what shambles are all the parts of Flanders, the Rhine, Catalonia, and Piedmont turned? What slaughter-houses may be erected in the unhappy isle of Britain? Unhappy, because she will blind herself against her own true interest and only cure. Our taxes grow heavy, but we have paid our blood, but we must pour it out yet more plentifully before this reckoning is over; if we will not return to our wits and our duty, civil distractions will overtake us; foreigners both on the one and the other side will be poured in upon us, and we shall become the cock-pit of the world; and though all the Jacobites abhor a French conquest, and so does the king too, yet if the nation will not come to such a temper as to restore him without their help, the king's friends cannot be blamed for being willing to admit of such a moderate number of French, or any other forces as may be necessary to cover them when they come to him, till they get together, and as may give them opportunity to rise. We had rather the nation looked so directly towards him, as that there should be no occasion for one man in arms to come with him. We had rather, he had much rather, nay, the King of France declares he had rather his restoration should be wholly owing to his own subjects. We will never agree that he should bring such a force as may give any the least just jealousy, that either he or France design to conquer; and he is perfectly resolved to come in that manner that shall be agreed to by such friends of his as the world must allow to be men of honour, regardful of the British rights, and of the protestant religion. With such men he will adjust the manner and time of his coming. They will see that his coming shall be safe to all those dear concerns for which we have so often struggled; and the measures and condescensions such, as that they may answer to God and men their engaging in his quarrel.

Can any man of sense believe that the Earl of Middleton, who could never during his whole ministry be drawn into any one irregular step, would go over upon any other errand? That great man is known to understand his duty to his country as well as his prince, and thinks he ought at the same time to be the minister of both, and his affection and firmness to protestancy was never once suspected: He will neither betray our laws nor his own religion; nor will he, to do the king but justice, be tempted to either; for all that we have misliked in the king's measures abroad, has proceeded from misrepresentations from hence; and my Lord Middleton is so fraughted with the genuine interest as well as sense of these nations, that the most inveterate of our enemies will have hereafter no opportunities to clamour and exasperate. This is a truth which in a short time will want no vouchers. The future acts of state that come from that court, will prove he has discoursed many of the leading men, and compromised the grievances of all parties. And whereas some of the Prince of Orange's ministers have declared what great expectations they have from the quarrels at St Germains, I can assure them they will be deceived in their hopes; for there is so good an understanding between my Lord Middleton and those who had before entire credit with the king, that they don't only personally agree, but concur in sentiments relating to the British affairs; which is a full evidence that what we misliked there cannot be charged upon the disposition of the king, nor upon the depraved tempers of those about him, (as even some of his friends were apt to suspect,) but proceeded merely from their want of a true state of these nations, and the knowledge of what would satisfy us, till the Earl of Middleton went thither. Every day will make this truth plainer than other.

I cannot but wish that all men would so avowedly own their mistake, would so willingly sit down under our ancient, legal, limited, and hereditary monarchy, would so openly tell their dissatisfactions, and what they think proportionate securities, so fairly state the differences between the crown and people, so unanimously express their willingness to re-establish the old and natural frame of our government, that it might be advisable that we might advise him wholly to depend upon his British subjects. I like neither French, nor Dutch, nor Irish upon our island, though I cannot be afraid of any such numbers of either, or all, as will be much out-numbered by those of our fellow-subjects and fellow-islanders, who resolve to repair to the king as soon as he is landed. Oh! that we would recant our mistakes! that we would repent of our folly! that we would yet let our moderation, our civil and christian moderation, be known unto all men! Oh! that a nice security for the church of England, as the national church, (and best church too, as I think) as nice a security for our English liberties, and liberty of conscience were our only aims! that party and picque, faction and friendship, fears and fancies, did not predominate neither in the one nor the other party! that the ends, and not the forms of things were what we strove for! that our afflictions would make us wise! then the king would as little need as he wishes to bring any foreign force. See you an end of your troubles? Is your deliverer a fit instrument for so great a work? Do his measures hold any resemblance with his and your pretences? Are his ministers, Caer——n, and Nottingham, Trevor, Rochester, and Seymour, Ren——augh, Grey, Blathwaite, and convert-reconverted Sunderland, (behind the curtain;) together with his creature Br——n, (that indefatigable secretary to all turns, and to the high commission court, that assistant to the four popish bishops, ready evidence, and industrious informer;) and Con——by, of whose merits in Ireland the parliament here took so much notice, that he is since taken into the privy-council of England, for his undoubted integrity and unheard-of abilities; with the long roll of such sort of men, (though his sinking game has forced him to call some lately into his councils, who have not yet lost their reputation with the people,) fit guardians for that liberty and property which you so justly value? Think seriously, ought the people of England to trust these men, or have they reason to trust one another, even in the business of that master they pretend to serve? Awaken out of your dreams; get rid of your phantasms; consider as men, act as lovers of your country; rescue your rights, restore your king, who will confirm those rights with solid securities; do your own work, that after-ages may pity your mistakes, and give allowance for your resentment; and that you and your children's children may be happy: I beseech the God of order, that he will produce it out of our own confusions; that the king may have what is due to him, and that we may have what is as much due to us; and that the king and people may both praise the Almighty for his mercies to this land, this miserable and sinful land.

Let the sense of our miseries, our faults, and our duty stir us up. Let the sad example of former times exhort us. Let us, I say, call home the king, with an exact security to the church of England, as the national church, and with such solid securities for our liberties as may make all other religions harmless opinions, though we allow them a fair and impartial liberty; and yet let us not so hamper the crown, that it will not be able to protect us from our enemies and one another; let us not say that the hands of the nation are bound, and that it cannot call home the king; for if all those who plainly see that we shall be undone under this usurpation, and likewise that it is impossible this government should stand, (though it shifts about now, it is in an ill taking) would upon these terms join with those who are for the restoration of King James, as well in the English army, as all over the nation, from the sad prospect they have of the ruin of the liberty, (the mistaken jealousy and care of which was the only motive that hurried them into what they did) all the force the Prince of Orange has would soon dissolve, and he must be glad to return again and spend all his time at the

Loo (which our English money is making so fine a retreat) and at the Hague, which is the very worst, I call God to witness, that I ever wished him.

I am conscious I have not, in all the parts of this discourse, written with that brevity which I designed at the beginning of it, and may possibly be guilty of some redundancies, tautologies, and repetitions, as well in other places as I have in my Remarks upon our former invasions inserted some passages which crossed my way, though they were rather applicable to our present times than suitable to the thread of my discourse. When a man writes things of this nature, he is willing to be rid of them as fast as they are finished, though they may not be so correct; and notwithstanding the critics (for whose either praise or diversion I never scribble) may find many faults with them, I have set down things as I am persuaded in my own mind, and as I have heard them discoursed by the considerable and influencing Jacobites of the several denominations; though I must answer for my unskilful and careless clothing and ranging their thoughts, I hope I have generally kept in sight of my text, and I suppose also have upon the whole made good what I undertook to prove, viz. "That a French conquest is neither desirable nor practicable." If it is unsuitable to the interests and inclinations of the several sorts of Jacobites, and contrary to the king's inclinations, and the interests of all our neighbours; and the very attempt of it, either for himself or King James, contrary to the King of France's interest; if the condition and circumstances of the French power to make a conquest and interest in such an experiment, and that of our former invaders, and the state of the British affairs now and what they were then, so very much differ; I think we may infer that a French conquest is neither desirable nor practicable, and that it is as weak to suppose France can or will conquer us, as it is to believe we shall sack Paris and conquer France, with the Prince of Orange at the head of the British forces, who we see with them, and all the confederate strength, has so indifferently passed his campaigns in Flanders.

Remarks upon the present Confederacy, and late Revolution in England, &c. 1693.

This was the other Jacobite pamphlet which led to the fate of Anderton the printer. It is much more virulent than that which precedes it, being couched in the bitterest tone of political controversy. The points which it labours are four:—1. That the successful revolution made way for the confederacy. 2. That the rest of the allies desired to render the wealth of England subservient to their interest, and therefore favoured the revolution. 3. That England was to be the dupe of the confederacy, bearing all the expence, but reaping none of the advantages which might arise from the depression of the French power. 4. That instead of an advantageous exchange, the nation, by bartering King James for King William, was brought to the verge of destruction by the ambition, perfidy, and tyranny of the monarch *de facto*. All this argument is so expressed, that no government could overlook such a libel with safety; yet extravagant and virulent as the Tract appears, it does not vindicate the harsh and illegal proceedings against Anderton, the supposed printer.

THE most formidable enterprize, no doubt, that ever was levelled against the grow-

ing grandeur of France, during the long and successful reign of Lewis le Grand, was this late confederacy, formed by the most powerful princes in all Europe: An undertaking of so dangerous consequence to that prince, that if their career had not been stopped by a surprising providence, and diverted by the wonderful vigilance and activity of that truly greatest prince in all these parts of the world, that monarchy by this time had laid expiring. As the confederates had resolutely, and with prodigious prospects of advantage to themselves, agreed upon this design, so to facilitate it had sagaciously enough foreseen what remorses might lie in their way, and as resolutely determined to remove them, right or wrong. England, which had for some years past screened them from those violent, and otherwise irresistible shocks they were exposed to from France, was most feared at this time would stand in their way; and to speak the truth, from the experience we have had of the French power and policy during this war, the least assistance from her, or a mere neutrality, had left them to the mercy and entire disposal of their enemy. This, I say, was politickly enough foreseen, and by most wicked and unjust means for some time at least prevented; though by comparing the successes on both sides hitherto, cannot in all human probability be long protracted: But more of this afterwards. To accomplish this grand design of theirs, King James must be deposed, to make way for the ambition and pride of another, the most likely to carry on the war against France; if we either consider that height of malice which he had long ago conceived against that monarch, chiefly from his being so frequently baffled in Holland and Flanders, by the bravery of his generals there; or that natural malignity in his very constitution, derived from his ancestors, who had never been famous for their loyalty to their own princes, or affection for crowned heads. This they concluded feasible enough, not being ignorant of the ambitious designs the Prince of Orange had been carrying on for several years in England of mounting that throne, by having a hand in all the plots against King Charles the Second; but especially his father-in-law, to exclude him, and what not; and the dispositions he had laid in order to that end, by his corrupting the greatest ministers of state under that unfortunate prince, to take advantage from his religion, to which the English are naturally averse, to put him upon some acts which would in all likelihood alienate his subjects affections from him, and make the P. of O.'s access the more easy. All this being well known to many of the confederate princes, they had no more to do but to sound his inclination somewhat nearer, and proffer him their assistance for the obtaining of what he so eagerly desired, and by all indirect means pursued. To this end having engaged themselves and him in the strict bonds of a confederacy, they immediately lent him such assistance as was requisite to land him in England, where all things were ready to his hand, and there most wickedly deposed King James the Second.

I confess some are apt to alledge that the Prince of Orange exceeded his commission, and acted directly contrary to the determination of the confederacy, their sole aim being only by this invasion to draw King James into their designs: But if we consider those notable hints in the foreign papers upon this occasion, particularly The General History of Europe, published in French, at the Hague, by the authority of the States of Holland and West Friesland, we may be easily inclined to believe the contrary, out of which I shall present the reader with some remarkable passages, and leave it to him to judge whether what I have laid down for my principle does not look highly probable.

Historical Account for the Month of November, in the Article of Advice from England, 1688.

"The king's fleet (that is, King James's,) is about forty-three men of war, ten fire-

ships; but though commanded by the Earl of Dartmouth, who is entirely for the king's interest, 'tis thought the seamen, and many of the officers, will not perform that duty which the king expects from them."

Reflections upon the Advice from Holland, the same Month.

"The expence that has been bestowed upon the fleet and army set forth from Holland, is a sign they are morally assured of the success of the enterprize, which I am apt to believe has been a long time ago in agitation, though it was carried on with that prudence and secrecy as not to be discovered till it could not be longer concealed."

Advice from Germany, December 1688.

"The confederates are arrived in Franconia, where they stay till General Dunewald comes up to join them with the emperor's forces, to the end they may march together, &c. Nevertheless, when they are joined, there is great probability they will do nothing, till they hear what the Prince of Orange does in England; for he is at present the *primum mobile* of all things."

Reflections upon the Advice from France, December 1688.

"'Tis thought that Monsieur Seignalay's journey to visit the coasts was particularly occasioned by the turn of affairs in England, &c. But now all those journeys will signify little; for if heaven continues prosperity to the Prince of Orange, of necessity the most Christian King must quit the ocean."

Reflections upon the Advice from England, the same Month.

"So soon as the enterprise of the Prince of Orange was discoursed of, all men imagined that he was sure of the greatest part of the nobility of England. Some put the question whether he will dethrone his father-in-law, or whether, &c. he'll be contented with the honour of having saved the protestant religion, and the liberty of the English nation.—For my part I believe an accommodation will be a difficult thing.—I make no question but the next parliament King James will be declared to have forfeited his crown."

Reflections on the Advice from Germany, February 1689.

"I am apt to believe they are not to be called by the name of politicians who imagine that the emperor caused the Marquis of Lusignan to be seized, that he might have an opportunity to enter into a negociation. Then again, what was befallen the emperor since unknown to us, that should enforce him to alter his conduct? If it had been that the affairs in England went ill on the P. of O.'s side, that had been a reason indeed;——but all the world knows there is no such thing; the Prince of Orange has been crowned, &c. To all which I shall add a remarkable passage out of the French king's declaration of war against Spain: Amongst other motives he declares, that he is informed what share the governor of the Spanish Low Countries had in the Prince of Orange's enterprise against England, but not believing what he did was done by his

master's command, his majesty was in good hopes to have persuaded his Most Catholick Majesty to have joined with him for the restoration of the lawful King of England, &c. To which purpose he made several proposals that were all received whilst the success of the Prince of Orange continued doubtful; but when 'twas known at Madrid that the King of England had left his kingdom, then nothing was thought of but war with France. That his majesty was also farther informed, that the Spanish ambassador in England visited the Prince of Orange every day, and importuned him to declare war against France, &c.; but finding that his Most Catholick Majesty was resolved," &c.—*Gen. Hist. of Europe, vol. I.*

Month Apr. 89.

As to this last passage I am sensible many prejudiced persons will be ready to object the little reputation the French king and his ministers have had for their veracity these many years, but if we reflect on the vast charge he is constantly at for intelligence in all places where he is concerned, and how much it imported him to find out the mystery of the confederacy, in ought, in some measure at least, to incline us to credit him, especially when it's notoriously known he had intimated to King James, some considerable time before he could give credit to it, the design of the Prince of Orange and the States General against him, and proffered him such assistance, that, if he had complied with it, would have effectually prevented this late revolution in Great Britain, and consequently this bloody and desperate war, which has been the sad effect of it. And there are some persons now living, of unquestionable integrity, and sufficient interest to know the truth of it, who assert, that Don Ronquillo, the late Spanish ambassador, plainly told King James, that if we would not be induced to join in the confederacy with the empire and Spain against France, he would run the hazard of losing his crown; so certain it is, that the revolution here was an immediate effect of the consultations and resolutions of the confederacy, though not publickly enough hitherto understood, to the great injury of the king, and perversion of his subjects.

These passages out of a publick Account of the Affairs of Europe, allowed to be published, and (as we are obliged to suppose) approved by the States General for the present, (till something more material be offered by more capable and intelligent persons,) may seem to any reasonable man a sufficient proof of my assertion, that what the Prince of Orange has lately transacted there, was not managed by him alone against the intentions of the rest of the confederacy? If so, why did not they remonstrate against his proceedings by their ambassadors to King James, and the Prince of Orange too; and, as in honour bound, contribute their assistance, when especially requested to it, towards his restoration? Nay, why did they on the contrary, by their respective ambassadors and envoys, congratulate the Prince and Princess of Orange's accession to the throne, and by this means virtually declare to all the world, that King James was justly deposed, and that the Prince and Princess of Orange were become the lawful and rightful King and Queen of England! So that the more nicely we examine the methods of the Prince of Orange's proceedings, the greater reason we have to conclude this objection to be a mere sham and excuse. His charging his father-in-law with mal-administration, "violating the fundamental laws of the realm, with setting up the Roman catholick religion, imposing a supposititious heir upon the three kingdoms in order to put by the succession of his own children, merely on the account of religion," &c. What was all this to the business of France and the confederates? The only thing in the Prince of Orange's declaration that makes for the business pretended, is the private league, offensive and defensive, between King James and France; which, notwithstanding, could never be produced and exposed to the view of the world; and if it had

been so, could never be any just pretence for their assisting to invade him, unless it had been contrary to former alliances between him and them; none of which appearing, it is altogether as frivolous as many other shams in that master-piece of villainy, the forementioned declaration. Upon these suppositions then 'tis apparent, that that which was to give life unto the confederacy and bring it into act, was the pulling down King James and setting up the Prince of Orange, so that before all this was accomplished, the confederacy was but an embrio, and no better than a conditional stipulation; and, upon the unsuccessfulness of the Prince of Orange, would have been stifled and vanished into nothing. There was no war declared before this gentleman was most traitorously proclaimed king, but by the Duke of Bavaria, Nov. 10, as you may see in the London Gazette: The emperor and Dutch did not till March 89, and in all probability it had not been done afterward on the confederates side if this *præludium* to all the rest had miscarried. To this effect we may remember that the Dutch ambassador, when charged by King James in the behalf of his masters, the States General, with assisting the Prince of Orange with men, money, arms, &c. for his expedition, (against the express articles of peace and alliance made between King Charles the Second, of blessed memory, and the States of the United Netherlands, 1667, particularly the 11th article, wherein it was agreed, "That the said King of Great Britain, and the said States General, remain friends, confederates, united and allied for the defence and preservation of the rights, liberties, and immunities of either ally, and their subjects, against all who shall endeavour to disturb the peace of either by sea or land." And artic. 13, "That neither the said king, nor the said commonwealth, nor any of the subjects of either, inhabiting or residing within their jurisdiction, shall cherish and assist the rebels of either party, with any succour, counsel, or favour whatsoever; but shall expose and effectually hinder all persons abiding, residing, or dwelling in either of their dominions, from supplying or furnishing any of those foresaid rebels by sea or land with arms, succour or assistance either in men, ships, arms, or warlike furniture," &c. And article 14, "That the King of Great Britain, and the said States General, shall mutually, sincerely, and faithfully, as there is occasion, assist each other against the rebels of either by sea or land, with men, ships," &c. Article 15, "That neither the said king, nor the said commonwealth, nor the subjects of either, shall in any of their jurisdictions, countries, &c. receive any rebel or rebels, fugitive or fugitives, declared, or to be declared," &c.) they pretended to know nothing of it; which is a plain indication they would have insisted upon that denial, and urged it in their own vindication, if that project had not succeeded, to prevent a storm from King James and the King of France, and it would have equally served the rest of the confederates too: But as soon as they heard his enterprise had its desired effect, the next thing heard of was the States manifesto, owning the whole business, justifying themselves, and applauding the heroick attempt of the Prince of Orange. From what has been hitherto said, I shall beg leave to infer, that this revolution was the contrivance of the confederates in general, and not the Prince of Orange's separately from them, but in conjunction with them; that all his motives, of what nature soever, were merely introductory to it, and that the most principal of them that seemed the most justifiable of his proceedings, were calculated only to serve the malicious and disaffected part of the nation, and to wheedle and amuse the rest into a compliance with him; that if those had not been subtily thought on, others would not have been wanting; that he had no design to secure religion, vindicate justice, to assert the liberties, or secure the properties of the people, but to execute the designs of the confederates in general, and to serve his own ambition and unsatisfied thirst after empire in particular; that therefore the grand presumptions (as he terms it) of the supposititiousness of the Prince of Wales, of the private league between King James and the King of France, the introducing of arbitrary power, popery, &c. were mere cant, and nothing to the purpose, he having not performed any thing promised

in that declaration, but acted quite contrary; and for corroborating my main position, I shall proceed to shew what peculiar advantages the rest of the confederates proposed to themselves by such a revolution in England, which may induce all impartial readers to subscribe to the truth of what I have hitherto said.

The principal advantage the confederates in general, exclusive of the Prince of Orange, proposed to themselves by this revolution, was to have the kingdom of Great Britain, one of the strongest and most flourishing monarchies in Europe, at their entire devotion, to draw off men and money at their pleasure, so long as they could keep this new set-up king in the throne;—an advantage so considerable, that whilst they can do this, and any wealth remains in England, they are sure to make the cheapest experiment they could possibly devise, and withal the most powerful effort imaginable towards the reducing the growing power of France, and retrieving their former losses. And, however the infatuated and easily deluded populace of England may seem to despise the confederates in their discourse, yet it's evident enough, that so long as this confederacy holds, and no longer, shall they keep their new king; it being sufficiently apparent to any one of common sense, that if the whole and entire confederacy have had hitherto enough to do to oppose France, even in the lowest degree, it is more than demonstration that she alone will be able to do it least; for I must take it as granted, that if England breaks from the confederacy, the confederates must of necessity knock quite off, and make the best terms at any rate, and consequently unite with France against England, which we are well assured that king will oblige them to, in order to the completing that most glorious resolution which he has so often made, and will eternise his memory, of the restoring that unfortunate prince and martyr for his sake, the true and lawful King of England. This supposition, I hope, will, without much difficulty, be granted me, if we consider the great losses of the confederates on all sides, their apparent poverty and inability to carry on the war at their sole charge, that England is their principal support, and has been all this war, that without the continuation of assistance from hence, they must break, and England compelled to submit to her lawful and most injured sovereign again, which all these allies know they would not be easily or suddenly inclined to from the sense of their horrid guilt, and dread of his just resentment; and, therefore, till mere necessity and the utmost extremity drives them to it, they are sure to drain them at their pleasure.

Another advantage the confederates proposed to reap by the late revolution here, and by engaging these nations into the confederacy, is this, (supposing their successfulness in attacking France,) that whatever cities or territories should be recovered or won from the French, should either revert to their old respective owners, or be acquired to some of the rest of the confederates, exclusive of the Prince of Orange, as should be agreed by them. This is natural and easy enough to be supposed, for can any one imagine, should the late pretended design of the Prince of Orange to attempt the taking of Dunkirk, Ipres, or Namur, have been effected, that the King of Spain would have resigned his right in them to him, and permitted them to be annexed to the crown of England, since 'tis evident, beyond all contradiction, that the ground of this confederacy, as is published by them to all the world, was to make war upon France, in order to recover what they urged was some time since so unjustly ravished from them by that monarch; and nothing of this nature could ever be pretended with truth by the Prince of Orange as King of England, we having not lost one single town to the French. So that it is manifest all the prodigious expence we have been at to carry on the war in Flanders and Piedmont, was not in order to recover any thing from France that we had any right to, but only to assist the rest of the confederates in regaining what was lately theirs, and pray what advantage is this to us? And let the war in the conclusion be as successful as can be wished, we shall only have the honour in assisting to debilitate France by weakening ourselves, and enriching the confederates by impoverishing and

reducing poor England. But perhaps it may be alledged, that what has been urged in reference to the retaking of such places as have been unjustly taken from the confederates by France, will be readily granted; but what acquists the English shall make in France itself will be their own. As to this I answer: By the late project of invading France, we may be satisfied that there was no manner of appearance it would be so if it had been attempted and really succeeded; for, supposing they had landed at Bayonne, marched into Provence and Dauphiny, it was with a design to join the Duke of Savoy's and the rest of the confederate forces, to make reprisals for what the French had acted in Savoy and Piedmont, or in order to retake such places as formerly belonged to that prince, now in the possession of the French. This is so probable, nay, next to certain, that it's nonsense to think otherwise, no possible acquists on that side being answerable either to the charge of taking or keeping by the English: Neither can it be congruous to common sense, that it could be of any interest to the Duke of Savoy to assist the others in subjugating any part of France to the English, whilst most of his own country was already subdued, and in the hands of the French. Again, granting that the other design of besieging Dunkirk with the transport forces from England had answered common expectation, Dunkirk, all the world knows, was formerly the Spaniards, the most important garrison and port that belonged to Flanders; and can any one so much as fancy that the King of Spain would ever have been contented it should be an appendage to England, when it was alone of greater consequence to that monarch to recover, than half of what he had hitherto lost in Flanders? Or do we think the English army alone was in a capacity to undertake the siege of such a garrison and carry it; or if it were jointly performed with the rest of the confederate army, that they would tamely let the Prince of Orange have the sole honour of winning and wearing it too? This can never enter into the head of the meanest dotard, and therefore the direct contrary must necessarily be admitted.

The next advantage, and that of no mean consequence neither, that the confederates have from our Revolution, besides that of making these experiments upon France at the vast expence of our blood and treasure, is, that if no possible hopes remain of attaining their ends upon their common enemy, as they phrase it, they have a fair opportunity of making their peace, whether England consent or not: This must be acknowledged a prodigious one, if duly considered; for when the worst comes to the worst, the leaving England (which in reality has been the most powerful, as well as the most malicious enemy) to the just resentments of France, will almost amount to an expiation for all the envious designs they have all this while formed against her; and by a timely desertion of her, or in conjunction with France against her, will in some measure atone for those injuries they have done to her lawful monarch, and indeed to themselves, and all the crowned heads in the world, by so wicked a precedent as they have given: This is a plain case, and must be owned a singular advantage on their side. All will agree 'tis no way feasible for England, resolving to maintain the P. of O. in the possession of the crown he has basely usurpt, ever to come to any sort of an accommodation with France, exclusive of them; and that they, if necessitated, can, and will, without him; it being impossible for us to wage war against France and them too, when we, with all the united forces of the allies, were not able to make the least impression against the former.

The objection that may be made to this advantage of the confederates, exclusive of England, is this, viz. That by the articles of the confederacy it is stipulated, that no one of them shall make a separate peace.

To this it may be replied, That this provision or caution at first sight may seem to be of some force, to keep such of them who are the weakest, and the most contiguous, within the bounds of it, for fear of being outraged, and treated as enemies by the rest; but as for the more potent or remote, it can be of little moment, especially after the

sad experience of their declining condition, and the sensible and irresistible growth of the hitherto so much envied power of France. The utmost fury of the allies has been already spent, and their utmost efforts by sea and land, and all to their own loss, and the interest of their enemy. That brave army under the command of the Duke of Lorrain, a great part of which consisted of those veteran troops that for several years had signalized themselves against the Turks, were broken and shattered in pieces the very first campaign; by which means the emperor has been extremely weakened, both in Hungary and Germany, and the enemy left at liberty to do what he pleases on the Rhine and the Moselle ever since; the strongest part of Flanders lost; the Duke of Savoy upon the brink of ruin; all Savoy gone; Piedmont in a sinking condition; the commerce in all these princes countries destroyed: So that what they took to be one of the surest methods of reducing France, has fallen most heavy upon themselves; nothing but misery and an universal discontent, with an utter despair of ever succeeding in their enterprizes against their enemy multiplying among them; and England, which has been their best support, hitherto growing less able and willing to go on with the war, and more disappointed perhaps than any of the rest. These considerations laid together, and seriously weighed, will more than evince my assertion, and confute the objection, since what has been for the most part practised in the like cases may be now; that it has been no unusual thing for some of a confederacy (when altogether worsted, and ready to be over-run by their adversaries,) to make their best advantage of a separate peace, when they could not bring down the haughty and stubborn spirits of the rest to their sentiments and resolutions; especially when convinced by woeful experience, that it would be their own honour and interest so to do, whereas at first they were really trickt into it against both. That this may be the case of some of these united princes, will be no hard task to demonstrate; as for instance, What honour was it for the Duke of Savoy to enter into the confederacy against his uncle, the best and most potent friend he had, whose annual pension to him for some years amounted to a greater sum than the revenues of his principality? What honour to his religion to entertain a hodgpodge of all opinions, contrary to the principles of his own; to permit them to preach up their filthy cant wherever they go, and to gratify their Gothish and brutish zeal in the profaning all that is sacred, and looks like good, by their irreligious and unchristian behaviour, and such villanies as are not fit to be named among Christians? What honour was it for him to let out his own native country for a cockpit to the rest of the confederates (and in particular to the king of Spain, and the Dutch, for I must reckon the P. of O. among them), who had violated all their former leagues with two crowned heads, to try tricks whether they could by that means divert the war from their own doors, to the devastation of his territories, and ruin of himself and poor subjects, beyond any recompence all of them together can ever make him, when he had such advantages at the same time offered him by France, of increasing his own and subjects wealth and prosperity beyond any of his ancestors? What honour is it for him to bring upon himself the just hatred and indignation of all his neighbouring princes, for the perpetual insults, ravages, and plunderings they are exposed to in quartering foreigners upon his account? What honour for that miserable infatuated prince to be complimented by the emperor and the King of Spain with the empty title of Generalissimo, and yet be over-ruled in all his projects and designs by their generals, as is evident from their refusing to attack Briancon and Queiras, where he might have put in strong garrisons, and from thence have summoned in the country to bring in their contributions, and have ordered every thing to better advantage, and with more reputation than he has done; and all this perhaps with as little loss as the taking of Guillestre and Ambrun, which he has been forced at last to quit shamefully? What honour was it to him, that the Germans, against his consent and remonstrances to the contrary, should commit such horrid barbarities by

their burning and destroying, for which he and his half-ruined country must be accountable, to the utter destruction of it; or at least be forced to such an accommodation (unless the French king be superlatively generous), as will in all probability leave only the empty title of Dukes of Savoy to him and his posterity? To conclude, What honour has it been to him, by the importunities of his perfidious and impotent allies, to persist in his stubbornness, and to refuse so many good overtures as have been made him, (since the loss of all Savoy, and the perpetual disappointments of competent succours articled for in the very alliances between him, the emperor, and Spain, &c. after his most pressing instances made for them at their respective courts, and as many empty promises from them,) and opportunities of healing himself again in due time, (the French king having proffered him blanks to write his own conditions,) and this since he was, humanly speaking, past all hopes of regaining any thing by the greatest opposition he could make? Since then 'tis evident, that this prince has engaged himself against his honour and interest, unless we will suppose him incapable of the least degree of good sense, and irrecoverably desperate, he will not, after so many fruitless attempts, and the base disappointments of all that assistance promised him from the empire, Spain, and England, reject those offers which are now made him of an accommodation by the French king and his holiness. All that he can expect from the confederacy is only a little subsistence-money to act defensively, since the French forces daily augment upon him, and all imaginable care is taken to strengthen the garrisons on that side by new works, and to shut him out of Provence and Dauphiny for the time to come. And since the rest of the confederates have been hitherto, notwithstanding their utmost endeavours to increase their forces, inferior to their enemy, and he grows stronger, and they weaker, and out of condition either to repair his losses, or prevent their own, there is no other method left him, but either to comply, or fall dishonourably and unpitied. There is no great difficulty to shew this to be the state of that deluded prince, since all the world is convinced that he had the best prospect of disembarrassing his affairs this last campaign that ever he could or can expect. The P. of O. promised him to land an army at Bayonne, thence to march into Provence and Dauphiny to join him; as did likewise the King of Spain. England, by that casual advantage at sea, was entirely mistress in that element all the year (at least for that purpose), had a powerful navy wholly at leisure ever since to prosecute it, there being no probability of any opposition, and 16,000 men, with a vast train of artillery, and munitions of both sorts, originally designed for that enterprize, which, if it had been put in execution, would, in the opinion of all mankind, have exercised the finesse and politicks of France, more than any thing that ever was, or can be attempted for the future. This, I say, was the only nicking opportunity for Savoy, while the French were visibly weak at sea, and altogether unprovided to make any resistance at land on that side; but, by what fate I cannot tell, all these prospects utterly vanished, to the astonishment of all Europe, without leaving the least effect but want of policy, and the indelible character of a panic fear, downright cowardice or desperation, and more than an improbability of ever having the same opportunity again; besides the sad prognostic, that all's running down on the confederates side, and Providence clearly on that of France. As to what may be pretended, that the same designs may be prosecuted the next campaign, &c. it is easy to urge that there's no manner of likelihood it can be, since 'tis well known that France will be provided of as good, or a much better fleet than she ever had, by that time; and that since the world is now convinced that they can and will fight, and dare attempt any thing; and that 44 of their men of war were able to make good their parts against 99 of their enemies, and with the addition but of 20 more, in all probability had worsted them; that a fleet of the French by 20 inferior to the others, for the future, will be match enough for them: Nay, if we may credit our foreign advices, they'll have by the next spring a fleet every way equal to

that of England and Holland, let them both build, and put out what they can make; and then it's a clear case that the design of landing an army to join Savoy, or any where else on the French coasts, will be impracticable. But then again let us consider, Is there any greater likelihood that the confederates will be superior to the French by land the ensuing campaign than this last? They had made, we all know, their utmost efforts in order to it before; and yet the P. of O. told the States at his parting, that the cause of all the miscarriages of this last must be imputed to the inferiority of their forces to those of France; and we may modestly suppose, that 30,000 men will hardly recruit the confederates loss, by the sword, sickness, and desertion; and that their augmentation will not be near half part so great as that of their enemy: so that they must be inferior yet in a double respect, both in men and conduct, and if so, of doing less than ever; for France has not lost a quarter part so many as they, and it's reasonable enough to suppose they have raised near as many since the campaign was opened, upon the account of the descent from England, besides the standing regular troops of Irish, &c. in Normandy, and other provinces, that never came into any service; and his augmentation, besides recruits, our monthly account tells us will amount to above 40.000 men, (though I am inclined to think, by comparing the foreign accounts, they cannot amount to much less than 80,000.) Besides his cavalry will be prodigiously reinforced: We are told the Jews at Mets, Treves, and Luxemburgh, have engaged to procure him 20 or 30,000 horses, which, with the 2000 the Marquis d'Harcourt took from the Lunenburghers, those taken by De Lorge in the defeat of the Prince of Wirtenburgh, and which Bouffleurs drove away from the territories of Liege, Bois le Duc, &c. will be able to mount 40,000 men, without reckoning what France and all his new conquests will afford him. Add to these last considerations the vast wealth of France, as may appear by the free gift of several provinces, the numerous edicts for erecting new offices, (which we hear never want purchasers,) augmentations of salaries, and his standing revenues, besides the great sums of money, or equivalents to money, brought in by way of contribution, the multitudes of English and Dutch prizes, the prodigious wariness and sagacity of that prince in providing all sorts of ammunition and provisions for the use of the fleet and armies at the lowest rates, and managing all to the best advantage; here are such funds laid up for the carrying on all his designs, that, humanly speaking, he cannot readily miscarry in the execution of them, and such a prospect of success as all the power and malice of the confederates can never defeat. In short, the inference I draw from the premises is this, That in all probability Savoy must break off from his hitherto unfortunate alliance, and submit; that if he will do it, it is his true and only interest; that his allies have most ignominiously, and contrary to their treaty, exposed him to ruin, by failing in assisting him in those enterprizes which were most likely to serve him; by overruling his wisest resolutions and methods in managing the expedition into Dauphiny for his advantage; the confederacy cannot obstruct an accommodation between him and France, neither can they propose to themselves or him to be in a better condition to assist him, having lost their only opportunity, and being less able to stand upon their own defence for the future, much less to protect him.

To return: As to the confederates that are more contiguous, it being a point of somewhat less importance, though I first proposed it, yet shall take leave to speak to it now. I said in reference to them, that they could not so easily enter upon a treaty of a separate peace, without being liable to the insults of their neighbouring allies: This is true; but then we ought to consider what may be done in such a case, and that honestly and justly; if a confederate prince finds himself exposed to the common enemy, by the negligence or perfidiousness of the rest, (confederates generally importing mutual defence and protection,) in such a case common reason and equity will dictate that he is at liberty to make the best provision he can for himself; and if upon reiterated applications

and entreaties he finds no relief, his interest will compel him to make the best terms he can with his enemy. So that all that can be pretended from the articles of the confederacy providing that no one of them shall make a separate peace, can be of no obligation to any one of the allies to expose himself to certain and inevitable destruction against the dictates of reason and self-preservation, nor can any of the confederates be supposed so devoid of all sense of justice to themselves. All this being, as I humbly conceive, undeniable, we are in the next place to consider what is proper to be done in such instances in order to prevent their being treated by their fellows as common enemies, and then make a particular application of it to those of them who seem to be under such circumstances as render it altogether necessary, and their only interest to act accordingly. In these cases the most secure method is to join with their enemy, or at least to endeavour to maintain themselves in a neutrality; by which means they'll easily secure themselves, and perhaps reap such advantages by a timely conjunction with the prevailing side, as may in a great measure compensate their former losses both from their new ally, and their old ones too, in the concluding a peace: By the former they'll be in a condition to make reprisals on their perfidious self-interested confederates, who compelled them, or wheedled them into the war to their great detriment; or at least be enabled with their new ally to drive them to the necessity of making a peace, from which they may exceedingly profit themselves: By the latter maintain themselves in present security, and gain by both; which is far more eligible than to be devoured by their friends and enemy too. This is all I can imagine at present advisable in this point; and this seems to be the present case of some of the allies, in particular the Bishop of Liege, the Elector Palatine, the administrator of Wirtenbergh, the electors of Treves and Cologne, and the King of Spain himself. What devastations have been in those parts, and what acquists the French have made, is too notorious to be recited here. How meanly the confederates have acquitted themselves in defending those countries, is so well known, particularly in relieving Mons and Namur, when besieged; in preventing excursions into the territories of Liege, the Palatinate, the Dutchy of Wirtenbergh, Juliers, &c. is a shame, and grand reflection upon them to recount. And what motives should induce these respective princes to go on with the war, is the greatest riddle in the world. We have not one single instance of the unity of their councils yet in making one generous attempt on this side, in attacking or relieving any place of moment for these three years; so that hitherto they have done nothing answerable to the designs they have given out, and common expectation; and there are but small hopes, as has been hinted already, that they will ever be more unanimous or capable. So that if these last-mentioned allies should yet be inclinable to proceed with the war, it seems to be against all appearance of reason, and what prudence and foresight cannot persuade them to submit to, time and necessity will compel them, to their greater dishonour as well as disappointment.

Thus I have endeavoured to prove my first assertion, That the Revolution in England was the contrivance of the confederacy in general, and not the P. of O.'s separately from the rest of the allies, or effected by his sole interest, and insisted upon those singular advantages they proposed to themselves by it. But hitherto, I confess, they have not obtained any but the first; they have indeed drained our wealth, and occasioned our blood to be spilt most profusely; but as to their acquists upon France, or regaining their former losses, not a tittle is to be bragged of, they having not been able hitherto to defend themselves: All Savoy gone, Piedmont in danger, Mons and Namur, with most of their dependencies, in the hands of the French, and the rest of Flanders in a tottering condition; the Palatinate, territories of Liege, and the Dutchy of Wirtenberg most miserably harassed and impoverished: In a word, the state of the confederacy so feeble in all parts, that although they had exerted their utmost this last campaign, and given out strange reports of grand attacks to be made upon France,

nay in the sensible part too, they have been able to do just nothing. So that instead of carrying on a vigorous war against France, and humbling her, they have stood merely upon the defensive, which is only to suffer and endure the evils of war, waging war implying assaulting, attacking, or offending; but nothing of this hitherto, unless lately in Dauphiny, which has been sensibly retaliated in Germany, Liege, and the Palatinate, and without all peradventure will be in Piedmont, unless prevented by a sudden compliance.

But what shall we say to poor England? What advantages will she get by engaging herself into the confederacy, and by the late Revolution? Why truly I believe it would puzzle men and angels too, to name one at present; but since we are taught to call things by false names, I shall mention that presumed and most celebrated one, "The happiness of having a prince of the greatest reputation in the whole world for justice, religion, valour, conduct, and an indefatigable studiousness in promoting the good of his natural-born subjects." This is an advantage indeed, and no doubt worth the purchasing at the dearest rate. These are great characters, I confess, and would be extremely charming, if as true as easily said. If his invading his father's throne was rather owing to the contrivance of the confederacy, than the pretences he made in his Declaration, then it's manifest to all mankind, that he acted such a master-piece of injustice as can scarce be paralleled, and beyond all apology: To name some; he charged his father and mother with imposing a suppositious heir upon the three kingdoms, which himself never made the least doubt or scruple of, before he published his Declaration, and he had invaded the kingdom; upon whose birth he congratulated the king and queen, and caused him to be prayed for by name in his own chapel at the Hague, till a little before his expedition hither; and although in the aforesaid Declaration he promised the nation he would refer the enquiry into the birth of the Prince of Wales, and all things relating to it, and to the right of succession, to the parliament; yet it's notoriously known, the parliament never so much as went about it, nor himself ever moved it to them; neither could the reiterated petitions and desires of a great many persons of quality ever procure any such favour from them or him, to the great dissatisfaction of no inconsiderable part of this kingdom. Besides, let any one compare his Declaration with the original contract with him, or instrument of government since, and I challenge all the world to produce such an instance of injustice, and violation of promises, as this pretended saint and mirror of justice has afforded us. And though three preceding kings have been blackened by a set of villains and profligates, that are a scandal to all the rest of mankind, as Neroes, Julians, and imps of hell, to set off their dull, gloomy hero, yet we may with truth defy them to produce such instances of arbitrariness, and violation of property, since Henry the VIII. as his four years tyranny have produced. It may be said, I own, he is a severe punisher of thieves and clippers; but then, if we do but reflect what a necessity he has reduced *some* thousands of people unto for want of trade, and the ill example he has given himself, by invading three crowns, and sending the wealth out of the nation never to return again, and notwithstanding cried up by the *theologo-politicoes* for a saint, a saviour, a deliverer, &c. he has contributed exceedingly towards the taking off the edge of all religious restraint, and the searing men's consciences, and confirming them in wickedness; so that nothing but the terror of civil punishment remains to put a stop to all manner of injustice: And since it's undoubted that, by the severe infliction of punishment in such cases, he chiefly aims at his own interest, as usurpers and tyrants seldom do otherwise, I am afraid, notwithstanding such pretended justice, he will hardly avoid the imputation of being guilty of their blood, as well as in a great measure accessary to their crime. And I believe it will not be forgotten in haste, how one poor fellow laid his death to his charge at the very gallows, as being the sad occasion of it; and prayed for his true master, intimating, that if he had not been driven away, in all

probability he had never come to that dismal end. Again, let us call to mind the many sham plots that have been forged by his mirmidons, to keep up the rancour and malice of the people against their king and his friends, the illegal fining of persons beyond their known abilities, contrary to the instrument of government he subscribed as the condition of his having the crown, for mere trifles, as drinking King James's health, or praying for him; in murthering that worthy gentleman and excellent Christian, Mr Ashton, the poor chairman, and Mr Cross; in suborning and protecting from justice those bloody rascals, Blackhead, Young, and Fuller,[1] fellows that were selected out of all the gaols in town by one Pearson, and at his expence no doubt discharged of their debts, &c. and afterwards allowed salaries on purpose to swear all that he hates or fears out of their lives, when he thinks it expedient; the frequent illegal imprisonments of persons of the greatest quality, as well as others, and by all that does appear to the contrary, himself alone being the evidence, accuser, and judge; his shamefully detaining the soldiers and seamens pay, by misapplying it, contrary to the very acts of parliament that granted it; his vast debts to the transport ships ever since the beginning of the Revolution; the frequent embargoes; the refusal of convoys to secure the public trade of the nation, notwithstanding the custom and vast taxes granted upon that, as well as any other account; the ordering the public monies to contrary uses in general than originally designed, against the frequent promises in his speeches to both houses of parliament: These are such notorious violations of justice, that we may with as much truth give him the reputation of the handsomest man in the world as the character of just.

Then again for his religion: According to the rules of method I should have mentioned it first; but it's no great matter whether it be considered first or last, or indeed at all. What mortal wight can tell what religion he is of; or rather, Is it not a contradiction to say he has any? It's impossible he should be of the communion of the true church of England, which he found established by law, because he persecutes those with the utmost violence he can, whose defence he made one of the most specious pretences in his Declaration. Decl. parag. 15, and so readily consented to the rooting out episcopacy in Scotland, settled by several acts of convocation and parliament; and though he, with his usual arts of dissimulation, seemed to be very squeamish when he came to that clause of the Scotch coronation oath, "We shall be careful to root out hereticks," by declaring, "he did not mean by those words that he was under any obligation to become a persecuter," yet never made any scruple to set on foot and encourage one of the most violent persecutions we ever read of against the episcopal clergy there. Neither can we indeed with any certainty determine to what side he is really most inclined, whether the presbyterian or episcopalian, he constantly varying his favours to either, according to the emergencies of his present interests in Scotland itself. Sometimes he would seem to have good inclinations towards the episcopal party, when he has any just reason either to fear them or caress them; for we are all sensible enough that the main body of the nobility and gentry, and the better sort even of the commonalty of that kingdom, are most addicted to them, and though in the hurry and confusion of affairs there in the beginning of the Revolution, to gain the presbyterians and other sectaries, he underhand encouraged them to fall upon the bishops and regular clergy in a tumultuous manner, which was the most blessed juncture they could wish to vent their innate malice, and over-boiling zeal, against a party they hated, if possible, more than the devil himself, that he might have an opportunity

[1] Blackhead and Young endeavoured to involve the Bishop of Rochester, the Earl of Marlborough, and others, in an accusation of high treason. They dropped in the bishop's house a treasonable paper of their own writing, and laid their snare so skilfully, that it was discovered with difficulty. Fuller, a worthy of the same stamp, was pilloried as an impostor, for pretending to discover a plot in Lancashire.

to make good his engagements to those their agitators, who had been for some years plotting and juggling with him in Holland, to bring about this great deliverance; yet finding at length the impossibility of maintaining his interest there upon that foot, he has several times endeavoured, by his letters, &c. to procure an accommodation between them, by settling some of the episcopal clergy in livings, &c. resolving, no doubt, as soon as he can conveniently, to determine himself for that party which he can most safely rely upon. Neither has his management here in England been much different; he found the greatest part of the nation addicted to the principles of the church of England, as established by law, and some of their principles and doctrines opposite in the highest degree to his designs; therefore, like a true Machiavelist, he found it absolutely necessary to bring those principles into disreputation, and extirpate them, if possible, right or wrong; and to this purpose set up the noted latitudinarian gang, by the easy allurement of his favour, and the assurance of the best preferments, to decoy the rest of their brethren into a ready compliance with him, who immediately, in their preachings and writings, confessed and owned their former errors to the people, and in a short time rendered their so much celebrated passive obedience and nonresistance the most ridiculous doctrine and dangerous error in the world, gave us new comments on Rom. 13, telling us that higher powers must be obeyed, without any regard to lawful or unlawful; that allegiance and submission were all one; that in some cases it is lawful to violate the commandments of God; that religion and the public good knew no relations; that it is lawful to swear with reservation, or to take public oaths in private senses; that an oath to the present government did not interfere with the former to King James, &c. Nay, any pretences in the beginning were allowed and admitted of, provided they could but hook them into the interest of the government, and bring them off in some measure from their former principles; so firmly had it been resolved by this gentleman, and his cabinet, to ruin the old church of England, and let loose her discipline, and by all imaginable arts and devices to render her odious and contemptible. Neither has this wicked and atheistical project wanted its success; in a moment of time her face was so altered, as scarce to be known again; her priesthood perjured and turned schismatical, and, like renegades, their new zeal and malice boiled up to that degree, that the liturgy must be altered, her ancient creeds expunged, her ceremonies left at liberty, or laid aside, and a comprehension established for bringing all their reverend brethren, the gifted cobblers, tinkers, tailors, &c. with the foreign reformed schismaticks, into church-preferments; all the fences and hedges must be pulled down in order to unite these brethren in iniquity against the common enemy, though indeed the only design was to extirpate and run down those principles, which, whenever it pleases God Almighty to pull off the scales of the eyes of the honest and well-meaning, though deluded people of this nation, would set his worship a-packing, notwithstanding that security which he has promised himself from those horrid perjuries he has been the occasion of, and which themselves in all their common discourses own to have so little obligation, and shamefully call garrison oaths. Thus having, as far as possible he could, dissolved the true old church of England, and erected a new one upon a mere civil basis, such as 'tis, of rebellion, perjury, and usurpation, and rendered it impossible to retrieve the discipline of the church, and her sacred offices, during his government here; the next thing he endeavours is to profit himself of all parties in religion, (notwithstanding his popular pretence of uniting them all against the common enemy, viz. popery;) to this purpose he studies privately to dash them one against the other, by reviving old stories under the former reigns, and to keep up some necessary feuds amongst them, for fear of a good understanding and union, perhaps in time to throw him out of the saddle, when once they perceive their true interest; and therefore never omits to caress them, as his only friends he can rely upon when he has a prospect of making a particular advantage upon them, as in the manage-

ment of the election of mayors, sheriffs, and aldermen in the city of London, (and in the election of burgesses for parliament all over the nation,) is too notorious to be insisted upon, in order to oblige them to lend or grant money, &c. When one party begins to grow cold and indifferent, by disappointments, &c. then he underhand applies himself to another, and by stirring up animosities and quarrels among them, casts mists before their eyes, that being intent upon their private revenge, and little plots and contrivances one against another, they may take the less cognizance of the more public concerns, and be the more eager and emulous of serving him, in hopes of drawing him in to favour and assist their party. Thus he plays tricks, and juggles with religion, and that is the most orthodox which conduces most to the establishing himself in the government, and is always ready to vary his religion with his fortune, let it be what it will; and I dare engage Arch John,[1] and the rest of the Johns, shall readily concur with him at any time to set up what religion he pleases, provided it will suit their turn, as well as his. But I shall have occasion to speak more to this point afterwards, and therefore shall proceed to enquire, whether valour ought to be admitted as an ingredient of his reputation.

And as this quality, which, I must grant, never wants its charms to get into the affection of the noblest as well as popular and meanest minds, I would fain know what right he can put in for it, or what gallant proofs he has given of personal bravery, especially since his being amongst us. The victory at the Boyne indeed has made a great noise among his deluded bigotted mob; but it's well known he never ran the least risk in it, or passed the river (which was the greatest danger) till most of the army were over, nor ever was within reach of, much less gently kissed with a cannon-ball, or received the hurt there, whatever his parasitical mufti, and the pretended thanksgiving prayer roared out among the mob by his atheistical priests, a clear evidence of his and their religion, to dare to affront Heaven so profanely, merely to delude the poor innocent sheep, as if they believed there was no God to take vengeance of such open blasphemies, as well as of the rest of their impieties. Just such a silly story we had of his deliverance last year, when he lay encamped near Beaumont, of a bullet that fell in the very place where he stood under an oak, the very instant after he went from it, though I have been informed it was several hours after, which was cried up too for a signal deliverance. And as to the engagement at Steinkirk, though all the Dutch courants are full of encomiums of his bravery in leading up of battalion after battalion, and of thanksgivings, and many godly ejaculations for his wonderful deliverance, we never, for all that, could be assured he was in the action at all, or in the least danger; and some who had reason enough to know, positively assert he was not. So that these are all nonsensical silly stories, made on purpose to keep up the hearts of the king-making rabble, and to instil into their credulous minds, that easily digest every report that makes for their side, without considering the truth or probability of what they hear, and to preserve the reputation of their idol's being the darling of Heaven; and two or three such whisking romances is all the return for four millions per annum, and all we must look for.

As little as we have to allege for his personal valour and bravery, yet I am sure much less can be produced for his pretended master-piece, conduct, which we are all told strikes such terror on all occasions into the French king. Pray what instances have we of it? As to the business at the Boyne, the grand divertisement for the Bartholomew mob, and not worthy to be taken notice of any way else, all sensible people are convinced that advantage was got by mere treachery, by the Germans laying down their arms, and absolutely refusing to fight, consequently betraying their posts; the treachery giving such reason of distrust to the poor Irish, that they turning tail, the ge-

[1] John Tillotson, Archbishop of Canterbury.

neral officers with much ado persuaded the king to consent to a retreat, and leave the field to his usurping son-in-law, though with such order, that the great hero, with his crew of rebels, could not do any considerable damage upon them, or have the honour of a pursuit to any effect; and besides, as his own officers are not afraid to own, after Schomberg's death, a sensible want of conduct attended all his enterprises all the remaining campaign. Was ever any thing more weakly undertaken than the siege of Limerick, more foolishly and inexpertly attacked? Or did ever any army, under such an incomparable general, come off so basely? What warlike policy, to undertake such a piece of work without heavy cannon and ammunition, &c. and to commit them to the care of so slender a guard? To lose about 8000 men to no purpose, and at last, through a panic fear, to run away *incognito* from his army, and steal over in a meal-boat! He who never saw siege in his life might have managed it in all points to better purpose; and yet, to our mortal grief, all this owing to the sage management and bravery of our Hogan Mogan William. But the next campaign must make amends for former oversights. The P. of O. was to be early at the Hague, to consult in all haste of the most effectual means to humble the pride of France; and while a parcel of grave, dull Germans and Dutch were sucking their whiskers and stuffing their paunches, the grand Hector of France had the confidence to sit down before Mons. The noise of this bold attempt reaching the ears of the butter-boxes, and the profound thinking noddle of the Britannic hero, away he goes to Hall, and before he could bethink himself what to do, or get out of his amusement, the town was surrendered; which so confounded his intellectuals, and stunned his considering pate, that he never could come to any resolution what to do the whole campaign after, but marched and countermarched from place to place, advancing, retiring, and running away, till he had spent all his money and provisions, and cunningly took his leave of the army as soon as he perceived Luxemburgh had pounded 'em up near Leuse, and was ready to give them a parting blow; noised it about immediately after, that this miscarriage was owing to the misconduct of the generals in his absence, the cowardly French taking the advantage of it, and so returned to his parliament, and told them, That truly the French king was very powerful. And yet we may remember that in the beginning of that summer it was rumoured about that Mons was to be retaken, Dinant or Philipville besieged, the French army to be beaten, the confederates having got together a much more powerful army than the enemy, who was reported all along the campaign to be hard put to it for want of money, forage, provisions, and the Lord knows what; but then, as mischief would have it, they always had the luck to be so strongly entrenched, (which our unthinking slaves were made to believe was out of fear to be attacked by his Britannic majesty, as they call him, and his bear-skins,) that the confederates could not come at them; as if that could be a disgrace to the French, which was ever the glory of the greatest generals, to encamp themselves so as not to be compelled to fight without a great advantage, especially when inferior in forces, and merely defensive, which is well known was Luxemburgh's case all along the two last summer campaigns; and yet in the former of these, though much inferior in number, he made a shift to fall upon their rear, and put them to the rout, killing a considerable number, and taking divers prisoners; and to conclude the campaign gloriously, this last, by a sudden march to take possession of the very ground, where there was plenty of forage that was untouched, which our brave generalissimo designed for his army, who wanted it exceedingly, entrenched himself; and in regard it could not be well avoided, but our protestant knight errant must either pass that way, or march round about, (which would have proved a horrid disgrace to him,) by this means forced him to attack him with his own men, his allies positively refusing to second him, and looking on the whole time; himself in the mean time being sensible of the great danger, and very prudently keeping out of harm's way: So that this attacking of the enemy was merely the effect of an absolute

necessity of his doing something, though to no purpose, and the conduct and foresight of the Crook-backed General, as this Thirsites called him, and his own folly besides in making an unaccountable (and ought to be an unpardonable) experiment too, in sacrificing the lives of so many thousands of English, Scotch, and Danes, to make an empty flash, and to keep up the undue opinion of his valour among the abused mob; for, in one word, all the politicks he is guilty of lies in caressing them; and so little sense he has, that so long as he can keep them on his side, he concludes all is safe and well. Here is conduct with a vengeance, and puts me in mind of a short passage in an excellent author, who, comparing Alexander the Great and Cæsar together, writes thus: "The prudence of a general has two parts; the first respects the conservation of his own forces, and the other the destruction of his enemies. Alexander was defective in the former, because he frequently led his army into places where they sometimes died of hunger, or thirst, or by stones, (as in some narrow passages, with mountains on each side,) where he was forced to engage his enemies at all disadvantages of ground, &c. and consequently brought his men oftentimes merely to be butchered: Wherefore that speech of the grand Scipio will ever be applauded, 'That he had rather save one citizen than slay a thousand of his enemies' Again, Alexander was wanting in the second, for whereas two things are necessary to the destruction of an enemy, force and conduct; he ordinarily depended upon, and succeeded by the former; which cannot be said of Cæsar, forasmuch as he took as much care of his men as a father of his family, nor ever went upon any enterprise without great stores of provisions and all necessaries; if he had not corn enough, he made it up with flesh, and having an advantage over his enemy, chose rather to defeat him by policy than the sword: and in all occasions endeavoured to add industry to his force." This is but one part of the comparison of these two great men; and since our boobies will be thought to have made a *wise choice of their king*, as they call him, and he must be a great champion, let him be drest up with all the imperfections of Alexander, with whom they are pleased so often to compare; for I am sure nothing really honourable and commendable in that great man can ever suit their puny Hector: and then, for a conclusion, let them be so just withal, as to apply the character of Cæsar to his adversary, and judge what they may expect for the future from either.

Another famous instance of his military policy, is the tender care he takes in making provision for, and paying his soldiers by sea and land. It's not unknown to us all what numbers of seamen died of strange and unaccountable diseases the first summer after this revolution, through his notable frugality in furnishing the navy for the most part with old and decayed stores, and that abominable lie that was spread abroad in excuse of it, that their meat and salt were poisoned with nutgalls; whereas all physicians will grant, if a quantity of them were really mixed with them, they could not produce such effects, but would rather have proved an excellent medicine to have prevented, or cured the bloody or any other fluxes, which were very frequent among them, being a great astringent. But not to insist upon this senseless story, these old stores, however decayed, were thought a good expedient to save money to hire foreigners, and many other necessary uses. What care did he take to send over provisions for the army in Ireland, whereof at least ten thousand perished through want of all manner of necessaries, and were ready to leap at what our very dogs would refuse; while the Dutch and other foreigners wanted nothing, but were fat and well liking. And because this prince must be called and owned as generalissimo of the confederate forces in Flanders, and all advantages against the enemy there ascribed to his conduct, so it is not unreasonable to lay all the miscarriages there to his charge, as evidences of his sinister conduct. Whence proceeded that great scarcity, nay, absolute want of all sorts of provisions, even of tents and straw, in the beginning of the campaign, which occasioned a great deal of sickness, and the death of many men and horses, but from his negligence or want of money

to provide them, which is as inexcusable as the other; since that general who will go upon any enterprise without all things necessary, has been ever condemned as rash, and void of all military prudence? What a reflection is it upon the politicks of this mighty warrior to be unprovided in the beginning of that *annus mirabilis*, which raised the expectations of all Christendom, and was to decide the fate of all Europe, when he had engaged himself to be early in the field, and seemed resolute to oppose the French in all they could pretend to, and yet tamely to stand staring at the head of 100,000 men, without making the least attempt to raise the siege of Namur, the most important town in all Flanders, or to give the least diversion; and to serve only for an evidence of one of the bravest actions that ever was performed by any prince, and that indelible dishonour and loss to him and his allies, which they in all likelihood can never retrieve. Now, I say, the P. of O. committing so great an oversight in not making timely and competent provisions for his army in such a difficult time of the year, his army must be more than ordinarily fatigued, dispirited, and unfit for action, and never ready on the sudden to act offensively or defensively; and one thing which argues this was not a single error, but a perpetual miscarriage on the confederates' side all this war, is, that whereas the foreign prints have constantly given us an account of the early and indefatigable preparations of the French all this war, they seldom afford us the like instances in the confederates: let the true reason lie where it will, it's an argument of a double weakness, and that their success, whenever they have any, is an effect of chance, and not of their politicks and diligence. For want of timely and suitable preparations for an enterprise, it's odds but it must miscarry, especially when it cannot be relieved by prudence or stratagem; and how sagacious he is at a dead lift, let the world bear him witness, unless it be in throwing his miscarriages upon others, without any regard to truth and honour. We have not found yet that he has been early enough out either by sea or land, but only by a mere accident at sea this last year, the crossness of the winds favouring, which is an advantage he cannot always promise himself; and had it not been for that, in all human probability, he would have for ever lost all opportunity of playing the fool again.

But this is not the only defect remarkable in the P. of O. as to military prudence (or providence), but his pay has been all along bad. Money is called the nerves, and the belly of war; the nerves, because it gives motion to, and maintains armies in their motion; (hence Thucydides observes, that few of the Grecians, in respect of the extent of their territories, went to the wars against Troy, and could never keep themselves long together, through want of money; and that the people of the Morea made short campaigns upon that account. It's generally for money and subsistence that men list themselves into the wars; and when once that fails, they sensibly grow weary and dead-hearted): and it's properly called the belly of war, because like as the belly distributes nourishment to all parts of the animal, so does money to an army. How far this P. has discharged himself in this point, nobody is ignorant from the highest to the lowest amongst us. The present arrears to the army in Ireland is an instance of injustice without parallel. Men that had ventured their lives, and endured all the hardships possible for human nature to sustain, in hopes at least of good pay, if not sharing the country for their service, having never received any other than a little subsistence money, and forced thereby to commit all the villanies in the world, by plundering and murdering, to the destruction of near a third part of the people, and three parts in four of the natural riches and product of the country; and at last told by their officers they must never expect their arrears, but exact pay for the time to come, and then immediately to be transported to Flanders to be made forlorns, is such a monument of inhumanity as we can scarce find in history, though at the same time a just reward from God for their rebellion against their lawful king, who ever tendered them as his chil-

dren, there being not one part of four alive of all those villains who had so basely deserted him and betrayed him.

This matter of fact about the arrears, if occasion should require, will be readily acknowledged by some hundreds of officers, particularly by Colonel Bierly, whose case being singular, I shall beg leave to insert it, which in short is this: The colonel was a gentleman of a plentiful fortune, and formerly very zealous for the P. of O.'s interest, and colonel of a regiment of horse from first to last, and hath expended between 5 and 6000*l.* of his estate in his service; and there being an arrear of above 4000*l.* due to him, for several months he solicited diligently for it, but without success: in conclusion, he told the lords of the treasury that his private affairs obliged him to go into the country to settle them, having been so long absent, therefore desired that he might know whether he might expect an order for his arrears or not, and he would stay a week longer to adjust that business. The lords commissioners told him that he might go into the country when he pleased, for he was to expect nothing from them, for they had no orders to pay any arrears: So he's gone into the country, where he spares no occasions to set forth the injustice and ingratitude of him, who was never guilty of doing a just or honourable action in his whole life. What a scandal and burning shame is it, that the poor seamen (whereof a great many have two or three years arrears due to them, and all the rest proportionably, having been exposed to all dangers, kept out at sea, and on shipboard, longer than ever was known, and been instrumental of that grand deliverance he had only to brag of in his speech,) should be defrauded of their pay; nay, not having so much as subsistence money; and yet tied up to the service by severe and repeated proclamations, without and against all former precedents, obliged to be at sea most part of this winter, and utterly forbidden their ancient privilege of making a short voyage or two to get bread for their poor wives and families, who, having bankrupt their former credit with shopkeepers, bakers, &c. are forced to beg and starve! This is such a hardship as they and their forefathers never knew before, and such a yoke as none but a Dutch boar could ever have fixed upon English necks. The cowardly and justly-to-be-abominated Dutch by all of our nation, after the defeat at sea two years ago, were taken into our hospitals before any of our countrymen were put in, tenderly provided for, and had a gratuity given by the Princess of Orange for their encouragement, were entertained, and got money from all sorts of people; and besides all this, this gracious governess promised to refit all their disabled ships at the public charge, to have pensions for the widows of the men that were lost in the fight, &c. as may be seen in the London Gazette of July 21, 90, in the article from the Hague, July 25. "On the 22d Mr Harbord arrived here from England, and the same evening had audience of the States-general,—to whom he represented, That he was commanded by the queen to let them know how much her majesty was concerned at the misfortune that had befallen their squadron in the late engagement, and that their not being seconded as they ought to have been, which matter her majesty had directed to be examined into, in order to recompense those that had done their duty, and to punish such as should be found to have deserved it: That her majesty had given orders for the refitting the Dutch ships that were disabled, at her own charge, and had commanded that all possible care should be taken of the sick and wounded seamen, and that rewards should be given to the widows of those that were killed, behaving themselves bravely in the fight, to encourage those that do well for the future." Here is a strange partiality and tenderness for the Dutch, rewards for their widows, encouragement promised to those of them that shall "do well for the future," besides particular care of their sick and wounded in our hospitals; while our own men were permitted to perish for want of necessary looking after, and under the unskilful hands of country surgeons little better than country farriers. What instances of such grace and compassion to the poor widows and orphans of the English, which are numberless in

Wapping, Chatham, and many other of our ports, who never as yet could get the just arrears due to their deceased husbands; and yet, which is most barbarous and unjust, the Dutch must have rewards and encouragements out of our pay, whilst the English are neglected and permitted to starve. This is a specimen of the affection our new governors have for the English nation, and a clear forerunner of our slavery, if God Almighty does not timely prevent it, which none but a degenerous and infatuated people to their own destruction would ever suffer themselves to groan under. But this is not all, the ancient encouragement of smart-money to the wounded is most fraudulently detained, the maimed exposed to mere beggary, for want of their usual pensions paid to them by the respective counties they belong to, and are become a publick nuisance in our cities and great towns. What is become of the wounded and maimed in Ireland and Flanders, who, no doubt, were very numerous? God only knows; the most reasonable conjecture is, they are either suffered to perish abroad, by being refused passage home, or knocked on the head to save their pay, and that they might not come home and tell tales of their hard usage, to the discouraging their fellow slaves from entering upon the service. The story of 50 wounded English being burnt in a barn by the Dutch, at the command of the P. of O. in Ireland, upon the absolute refusal of an English officer, who had some remains of compassion and natural affection for his own countrymen, is real matter of fact, and ought not to be forgotten; which was done, as is said, merely to avoid the trouble and charge of curing them. These are some of the hardships the soldiery groan under, and a specimen of the brutish temper, as well as unpolitickness of our usurper; and sooner or later he must expect to reap the just fruits of his cruelty and folly both. What glorious achievements can he ever pretend to do with soldiers, who must in due time (if there be so much mercy reserved in heaven,) have their eyes opened, see their error, and resent such ill usage and partiality? However our dull and unthinking bigots may flatter themselves with great expectations of what he has most sillily given out in his speech to both houses, of his resolution to make a descent, and do miracles in France, the soldiery are of the contrary opinion, and through mere despair of ever getting their pay, or effecting any thing upon their enemy, have deserted considerably, and really entertain low and mean thoughts of his conduct, see through the cheat, and are only hindered by the strictness of his discipline from running unanimously to their old and best master. They own, as many as get over, that they are hated in Flanders, abused at all rates by the Dutch, exposed upon all accounts as forlorns: They can tell you how divers of their officers were cashiered, and soldiers hanged, immediately after the battle at Steinkirk, for avoiding being knocked on the head by the French, when a numerous army stood looking on, and not one single troop or company permitted (though some of the English desired it, and were ready to hazard their lives to rescue their poor countrymen,) to go in to their assistance. By several letters from officers in Flanders in the English army, we have been informed, how the poor wounded men, through the intolerable pains they endured, cursed and damned to the pit of hell, with their breaths, him who brought them to that horrid butchery. They can tell you likewise what great numbers deserted his service immediately after the fight, choosing rather to run the hazard of being hanged, and losing all their pay and arrears, than to continue in his service. They can tell you how the English are universally hated by the country people there, that they'll scarce let them have necessaries for their money, and that the Flanderkins have more respect for the enemy than for their pretended friends the allies, and much better usage for them. They can tell you that their wounded and prisoners, that fell into the hands of the French, were more kindly treated by them than among their friends; and how far such usage may work upon the minds of a people naturally generous, though at present bereaved of their senses, time may demonstrate. They can tell you how the P. of O. is undervalued and nosed by the confederates in general, dis-

trusted by the Dutch, despised by the inhabitants in all the cities and towns in Flanders, and hated by all, and for want of those qualifications we are made to admire, and so foolishly and superabundantly have hitherto magnified in him. What wonder then is it that our English seamen and soldiers mutiny, run away, &c., they can neither get their pay, nor good words, but at a dead lift; if they modestly demand their own, though incited to it by the keenest necessity, they are immediately hanged or shot to death without the least remorse or pity! Had we ever such unjust acts of parliament made in any kings reigns, for enslaving and punishing of seamen or landmen, as since this Revolution; so many brave men hanged or shot to death for trifles; such kidnapping our landmen, under pretence for sea-service, and sent the Lord knows whither? Nay, I am credibly informed, it has been no unusual thing to press landmen, and sell them for 3*l.* a head to the Dutch, or into other foreign service. What apology can be made for the wicked abuses of the mariners, a parcel of brave young fellows, who were kept on board till they were almost all dead of the small-pox and other distempers, the remainder cheated of and denied their pay, and then forced, in a sickly and most piteous condition, to beg from door to door, as London and other places can sufficiently testify? To recount all the miseries of our distressed countrymen, who are actually engaged under this government, would be an endless task; all I shall add under this head is, that this ill usage looks more like the effect of malice, and a perfect hatred and distrust, than of any necessity upon our governors; but if it be, our condition is deplorable and remediless, by all the supplies we are able to give, though never so willingly, and without our most just and present resentments, a certain forerunner of inevitable ruin; but if we have but one grain of sense, or reflection left, and be not benumbed all over, is an infallible indication of the stupidity of the generalissimo of the besotted and dull confederates; and what the effects of such politics may be, with relation to himself, I leave to the judgments of all ingenuous men to conjecture.

Thus we find his politicks are by no means adequate to his designs, or proportionable to those great undertakings his reputation, and the necessity of his affairs, as well as of these three kingdoms unhappily under his management, do absolutely require: and in reference to this last particular, I shall now enquire, whether an indefatigable and sincere studiousness to promote the publick good of these nations, ought to be admitted as a just ingredient of his character or reputation: I need not much enlarge upon this point, the direct contrary being easily deducible from what has been said all along, only for the assistance of our memories shall recapitulate. Our constitution both of church and state are reversed, and quite disjointed; our liberties and properties most unjustly invaded; and more instances of arbitrary power daily committed, than in several of the former reigns. Trade in general decreasing, basely and designedly betrayed, and rendered almost impracticable. A great part of our current coin either transported in specie, or melted into ingots, and recoined into Dutch schellings in Holland, and irrecoverably lost, to our vast impoverishment, and the enriching our sworn enemies. A million at least per annum, by the confession of favourites of the government, lost ever since this war, in shipping and merchandize, besides the produce of it in trade at home, to the undoing of multitudes of families in a short time; and this loss like to continue as long as we have any thing to lose, or the war lasts. Ireland a third part depopulated, and more than half of the intrinsic riches, or product of that kingdom, embezzled and wasted; and a third part of our seamen dead or deserted. The flower of our fighting English destroyed to no purpose. What excuse can be made for the detaining our Turkey fleet above twelve months, nay after our never-to-be-forgotten victory at sea, when we could have well spared half our fleet for convoys? the remainder with the Dutch being more than sufficient guards to the descent, (a design so senselessly managed, and shamefully mentioned at this time of day, as the only thing to buoy us up to sponge five or six millions more out of our purses,) and yet by their idling in our

ports and harbours, and doing nothing but lousing themselves, have suffered more ships to be lost since than in any one year since the war. I defy all mankind to satisfy us in this affair, of so near consequence to the very being almost of the English nation: And if the descent be urged as a proper excuse, what has been the occasion of its miscarriage, to the astonishment of all Europe? It must either be occasioned through its impracticableness, or for want of necessaries to such an expedition; but neither of these can apologize for such an unpardonable frustration, being a certain sign of the incapacity of the authors and contrivers of it, neither foreseeing the difficulties nor charges necessarily attending such an enterprise; and thence we may conclude the great infelicity and disadvantages these miserable nations lie under, to be engaged in a war that our governors have no skill to manage: And then what can we expect but to be perpetually worsted, and to come off with infinite loss and disreputation, and in the end be forced to submit. So that unless our parliament, by their omnipotence, can supply them with more brains and better conduct, and instil into their skulls more wit to improve a victory when they can get it, it will be equal to us whether we beat or be beaten, and then how deplorable will our condition be?

The last blessing of this Revolution that I shall mention these unfortunate nations enjoy under the P. of O. (which is a plain inference from what has been hitherto insisted on,) is this, That they shall not, or cannot, enjoy their idol any longer than the confederacy holds tight with us, or we with them: This is so necessary a deduction that it cannot be evaded, because he is their creature, set up merely for their common interest; and his downfal may become an advantage to them in time, as well as his prosperity and grandeur, (as had been said.) Whatever figure of generalissimo we may fancy he makes among the confederates in Flanders, it's certain he has not the command of any forces (if really of those) but what he carries over from hence. How often has he been over-ruled in councils of war by the Spanish governor Castinago, and Bavaria since, Prince Waldeck, &c. is too notorious to be recounted here. So that his business is rather to be their providitore-general than any thing else, to furnish them with men, money, and stores, to build them forts, and repay their losses, (as in that instance lately produced of the Dutch squadron:) Nay, so unwilling are they so much as to find his soldiers quarters, that he is forced to transport part of his quota back again, and to be at the expence of fortifying two towns, Dixmuyde and Furnes, to lodge part of the remainder, send over provisions, and even coals for their subsistence; Ghent, Bruges, and some other places, refusing positively to entertain the rest, if not prevailed upon by the Duke of Bavaria. All the reward he has for the vast sums he annually pilfers for them out of our almost-exhausted coffers, is to king it here, and all he desires; and upon that account it's his personal interest to keep the war on foot whatsoever it costs us. From whence it's proper enough to infer, that if we be able or willing to furnish as many millions yearly as the support of the confederacy will require, we may yet keep the Dutch stadtholder for our king, and if not, we must part with him, and there's an end of the raree show.

As a corollary to this last advantage, we ought not to forget another as remarkable, (for we do every thing awkwardly, and pray and hope, as they say, backwards, and in opposition to all the rest of mankind that are not infatuated or grown mad,) and that is the blessing of never enjoying peace so long as the P. of O. lords it here. I confess in his speech the last sessions of parliament, and in his discourse to the States before, or after that, he promised he would do his utmost to humble France, and procure an honourable peace to all Europe; but in this, as well as in all other promises, he has deceived all our hopes, and none but half-witted people would ever be so deluded. 'Tis demonstration he can never do the one or the other now: France was never so powerful as at present, nay, is grown excessively powerful, as he tells the parliament in this last speech, and, I may add, the confederacy exceedingly weak; and England, that

must give life and vigour unto all, not excessively rich, nor, I hope, for ever abandoned to the highest degree of sottishness and insensibility. And as for a peace, himself is the only obstacle of it, and will first or last be cursed by all Europe on that account. The confederacy must of necessity have dropped long ere this, if we, through our zeal and malice against our lawful king, whatever we roar against *Louis le Grand*, had not been so prodigal of our wealth and blood, to maintain the abominable usurpation of a foreigner, and through all the course of his management a sworn enemy and hater of the English nation. And now, forsooth, in this last speech, (after all his ill-laid projects and designs baffled, and frustrated at sea and land, and that he had at the long run discovered that the power of France was excessive, *i. e.* in plain English, insuperable, by all the force and childish politicks of himself and the confederates,) he very humbly craves the advice of the parliament at a dead lift, when all lies at stake, which he never thought worthy of advising with before, and modestly asks at least an equal force to that of the last year; as if a force that was able to do nothing the last year, either by sea or land, (but by a mere accident,) would be able to do wonders the next against the augmented forces of his enemy by both. What pitiful cant is all this! Is it not plain by his speech that he dares not so much as flatter us with the hopes of any success against France the next campaign, since he is fearful even of asking such a supply as all intelligent men foresee will be absolutely necessary to oppose the prodigious preparations of the enemy? And can we hope with the same assistance we gave him the last year, which we experimentally found was insufficient even for the defensive part, by land especially, will be superior to him the next? We are certainly informed of the great preparations of all sorts of ammunitions the French are making in all their frontier garrisons upon the Sambre, the Maes, the Moselle, and the Rhine; the vast magazines of hay, straw, oats, and other grain and provisions they are erecting in those parts; their forces so disposed of in posts upon the Sambre and the Maes, that 30,000 can be got together at any time, upon any enterprise at a short warning; and upon the Moselle 20,000 on any occasion; and all without doubt to execute some great designs very early before the confederates can be in a condition to oppose them. And will it be sufficient for the confederates to stand upon the defensive, which they never could do to any effect? And is this the way to humble France, to reduce her to her ancient limits, and to restore peace and liberty to Europe? And then as for Savoy, what measures are concerted to preserve his territories from the French reprizals, or even to hinder them from being swallowed up? It's true indeed there are several of the emperor's troops quartered in Italy, besides those of some of the German princes; but then if we do but remind ourselves of the winter campaign, which the French king has already begun in Flanders, and on the Rhine; his resolutions (as we are informed by all the foreign gazettes and courants) to act in concert with the Turk, and to push on the war with all imaginable vigour during this season, while the other does the same in Hungary, (where, as we are told, the Ottoman forces increase daily, and by their motions and preparations it's generally conjectured they have present and great designs in hand, having lately assembled in great bodies between Belgrade and Semandria, as (it's thought) to fall into Sclavonia, or attack Peterwaraden,) in such a case as this, it's but reasonable to suppose that both the emperor and the foresaid princes will be necessitated to recall the greatest part of their forces; and then let the world judge whether 50, 60, or, as some accounts say, 70,000 French will not probably prove too great a match for that prince to encounter, and especially in the winter time; for these prints do positively tell us, that all the troops in Dauphiny and thereabouts, with all the magazines that have been erecting for several months since, are actually removed towards the frontiers of Piedmont, and that the French design, in the month of February, if the season favour them, to besiege Coni, or Turin itself. The German and Spanish troops, notwithstanding the most pressing instances of the Duke of Savoy to detain them, are

marched into their quarters; Bavaria had recalled two of his regiments, if he had not been prevailed upon by the P. of O. to let them stay, upon his promise to maintain them this winter at his own charge, which, by the way, is a certain sign of the French forces increasing on that side, and therefore could not be conveniently spared: So that the only present security he has is the winter season and the deep snows; and as soon as the weather breaks, a force by much superior, and in all points better provided for, will fall into his country, and, in all probability, put a speedy period to the war on that side, either by an entire conquest, or by forcing him into a sudden compliance. We hear of no preparations answerable to those of France on the confederates' side, all being at a stand, waiting for the lucky news of more money from the parliament in England; and ere that be done, and preparations made, the enemy will have done his business, and have little to do but to dodge with them, and play with their noses the whole summer, and shew the world what fools they are. Again, what a piece of kindness is it to our parliament, and an honour too to tell them, the inconveniency of sending out of the kingdom great sums of money for the payment of the troops abroad; (he dares not say the English or Scotch;) is very considerable, and so much wishes it could be remedied, that if they can suggest to him any methods for the support of them which might lessen that inconveniency, he should be ready to receive them with all his heart. Why, truly, the case is plainly this, he finds it's no concealing any longer the transportation of all our money for the support of foreigners, and is afraid this trade will not hold long, either that England can pay the confederates unreasonable pensions, or that the confederates can be held together, notwithstanding the exactest payment of what he is engaged to them; therefore he is willing to go on with them, or knock off, as the parliament will advise him; (provided he mentions these things *bona fide*, and does not impose upon the rest, and the whole kingdom besides, by an assurance of a majority that will carry all, right or wrong, for his interest;) any thing so he may continue king, or have the satisfaction at least of ruining the nation with himself when he must fall. This is downright, (if he be in good earnest,) and the nation has a fit opportunity to look to herself. No means can be found out to avoid this inconvenience, and to maintain an army abroad at the same time: The only way is to take him at his word, recall our forces, break off the confederacy, and to stand upon our own legs; maintain a good army here at home, pay them well, and augment our navy. But yet this method has its difficulties too; so hard a thing it is to ensure any the least degree of mundane felicity: For should we leave the confederacy in the lurch, (which his present circumstances seem to incline or necessitate him to consent to, if the parliament think fit,) then the vast arrears owing to the allies, which they could never expect to get from him, would oblige them to unite with France, declare the P. of O. the common enemy, and England the seat of war. (That he is indebted to the confederates seems highly probable to me, by the Elector of Brandenburg's pressing the States and the King of Spain so hard for the subsidies, or pensions, due to him the last spring, representing to them, that without them he should not be in a condition to maintain the forces he had on foot, which the Elector of Saxony did likewise the same time; and, 'tis not unlikely, that was one principal reason of Hanover's slow proceedings the last campaign: And, if I be not much mistaken in my conjecture, the P. of O. must come in for a snack in that affair, as well as the States and Spain, especially if he be the *primum mobile* of the confederacy, as the monthly account, and one of the late slips, term him.) But to return, the latter would be insignificant, for reasons formerly mentioned; so that our case looks desperate. But if we should break up the confederacy by consent, these arrears must be paid, which, no doubt, will arise to a large sum, which would be hard for us to part with in these circumstances, and to support the charge of a war besides.

But, oh the descent! This must be carried on yet. "None can desire more than I that a descent should be made into France, and therefore, notwithstanding the disap-

pointment of that design the last summer, I intend to attempt it the next year with a much more considerable force," &c. What a parcel of stuff and contradiction huddled together, as if the noise of the cannon from Mons and Namur was not out of his head yet! To talk of a descent so publickly, so long beforehand, enough to frustrate the best laid project in the world. If it were impracticable the last year, much more the next. There are the same difficulties at least this year, if not ten times greater; but nothing will serve our turns, or be worth our noble attempts, but impossibilities. By the next year there will be a potent fleet to obstruct us, if not powerful enough to defeat and ruin us; more powerful diversion by land, early notice of this design, all possible means found out to prevent us by sea and land; and, it may be, a descent to anticipate ours, and what then? Ay, but "I intend to attempt it——with a more considerable force." Is not this a palpable contradiction to his modest request he had made before, of a force "at least as great by sea and land as we had the last year?" *i. e.* If we may be permitted to understand him, he desires, if it can't be otherwise, but the same assistance of men and money he had the last year, and he will attempt it; and if they enable him with a much more considerable force he will attempt it. If, notwithstanding all the forementioned greater opposition he is like to meet with the next year than the last, he intends yet to attempt it, though with equal forces to those he had before, why was it not attempted then when there were far less? Will he engage to be wiser next year than the last, or that the French shall be more fools? or that they shall be less able to oppose him with a more powerful navy, and a greater number of land forces the next than they had the last campaign, and he be stronger and abler to attack them with the same forces he had before? And suppose he be enabled with a more considerable force, can he assure us that their diligence in repairing their losses at sea, and the considerable augmentation of their land forces, will not exceed his more numerous forces, and render his good intention as impracticable as ever? This is just such a passionate desire as he had to fight Luxemburgh hand over head, without the least shadow of hope to get any advantage, but merely to keep up the opinion amongst fools of his being a fighting spark, and scorning to pass a whole campaign with doing nothing; so he is resolved to attempt something by sea, though he is sure to get nothing but hard blows, and expose some thousands of his English to be knocked on the head, or to die like fools to their immortal honour: And this is all he seems to promise in his speech, to attempt a landing in France, which was ever laughed at by sensible men before, and ought to be hissed at now.

Well! but here are grand motives to stir us up to support him with all the speed imaginable: "We are exposed to the attempts of France while the French king is in a condition to make them, and therefore the great advantage we have at this very nick of time, of being joined with the most of the princes and states of Europe against so dangerous an enemy, ought not to be slipt, especially our country and religion lying at stake, &c. and we have the same religion to defend," &c. What advantage have we now that we had not before? Are we but just now entered into the confederacy, or have we or they been asleep or drunk all this while? Why an advantage now? Are they stronger now, or more politick or resolute than before? Or if we have had little or no advantage in being joined with them all this while, what assurance have we of any from henceforward? I am sure some wise statesmen, who have transmitted to us the experience of former ages, do assure us, if a confederacy does not make some notable impression upon the common enemy the first or second campaign, they are never like to do it afterwards, but grow weaker and weaker till they sink into nothing; and as to these confederates, notwithstanding they have served almost an apprenticeship under one of the wisest masters of his craft in the whole world, have added so little to their skill, and approved themselves such notorious dunces, that we have no hopes of ever seeing a masterpiece from them, to their grand disparagement, and our infinite

loss. And after all this pother, are we exposed to the attempts of France, and is France a dangerous enemy, and the power of France excessive? Who may we thank for all this? Was it not the P. of O.'s being joined with most of the princes and states of Europe that brought us into these snares, upon a parcel of sham-pretences and bug-bear stories, with his bearskins and Laplanders, and the devil knows what? And has not their senseless management of their affairs against their common enemy, as they call him, made him so strong and dangerous as he is? And is there any prospect they will be ever more politick and powerful for the future, and have better success in all their enterprizes? Can all the speed they make in getting money, providing necessaries for the war, be answerable to his preparations, which are at this time so forward, as to wait only a proper season to employ them? And if from the nature of things they must be later, since all the world is convinced of the agility and diligence of the French, and that they are never guilty of losing opportunities, do we imagine that all the confederates can do will signify any thing? Then to what purpose is it to throw away our money, and to impoverish and weaken ourselves? All the good that our money is like to do the confederates, is only to discharge part of the contributions they are obliged to pay the French, to save their towns and villages from being laid in ashes; such brave fellows they are in defending their own liberties and properties, that continually spunge the money out of our pockets under the sham of being our saviours and deliverers: And so far from humbling their enemy, and carrying the war into his own bowels, that what he does not think worth the taking from them, they are forced to redeem from being destroyed at any rate, and we like fools deposite the money. Again, How strangely are all our measures, and those of our allies, broke in pieces in a trice? Our doughty P. of O. demands but modestly at least as great force at land and sea as the last year, consequently at least as much money, *&c.; and no doubt the* allies do what they can on their parts at the same time. Now if we consider the vast expences and losses the common enemy is like to put them to by this devilish winter campaign, (being destitute of magazines, of provisions for horse and man, ammunition, carriages, and all necessaries, as we are well assured by the late instance of Charleroy being bombarded almost to ashes before they could get up to its relief, the carrying Furnes and Dixmuyde, and sixteen or seventeen days playing upon Rhinfelden and the Kat, before they were in any condition to attempt the relief of them,) by false alarms, taking their towns, and the bare attacking others to give them diversion, while they are in good earnest in other places, and (which at the same time shews they have not men enough to secure themselves on all sides, though the French have to beard them, and keep them in play, while they assault them in their tenderest and weakest part) we shall find in the upshot, that these at least as great sums of money will go near to be half expended before the summer campaign begins, (their designs reaching no farther;) and consequently all their hopes, if they have any, and projects of effecting any thing upon France crushed in the very shell. I know the saving of Rhinfeld is looked upon as a very great deliverance, and that *Te Deum* has been sung in Germany on that occasion, which is an argument of its great importance; but yet at the same time we are not ignorant that it was owing to the badness of the weather, more than to any thing else; and, for all I can see to the contrary, the confederates have no reason to think themselves secure, even as to that point; the town and castle, and the Kat, are miserably ruined, and before they can put them into any defensible condition again, an indifferent good season may give the French an opportunity, if they have no better fish to fry, to attack it the second time, as undoubtedly they will, and with a stronger force; and then it must go. How the Germans will be able to supply their late losses in those parts, the whole country round having been most miserably plundered and harassed during the siege, and forced to pay swinging contributions; the vast expences in supplying that place with ammunition and provisions, to repair

the breaches, add new works, provide for the subsistence of their forces, and those many ruined families in the towns burnt by the French in their retreat, I cannot divine. But if we reflect upon the monies and monies worth raised by the French, in the several excursions made during that siege into divers parts, forcing the country to supply them with whatever they had for their convenience all the time, and what they have extorted from them since; I am morally assured the Germans have paid the whole charge of the others expedition. But to all this let us add, that since the taking of that place would have been of vast consequence to the facilitating of the designs of France upon the empire, (as generally was acknowledged and dreaded,) and the early taking of it yet would be so still upon the former supposition, (especially if the Turk, taking the advantages from the emperor's weakness and unpreparedness, make some early and vigorous attempt in Hungary or Sclavonia:) the effect will be this, the French will be able to penetrate so far into the empire, as to put all Germany into a convulsion, force that prince to draw all his forces out of Italy, (by which the Duke of Savoy must fall off, and consequently the war draw on to a period;) and though he should, by the adding those forces to the army in Hungary or on the Rhine, make some tolerable defence, yet being unable to do the same on the other side, he would be compelled to accept of any terms from the Turk and French king; and then farewell England and Holland too; the one must be glad to submit to her old master, and the other to such conditions as she can get. This is the game we are likely to see in a short time, the effect of our weakness as well as wickedness, notwithstanding our profuseness and readiness to support so wretched a cause to the ruin of these nations, if God be not the more merciful: Of our weakness, I say, abstracting all other considerations, because we will not learn wisdom and forecast from our enemy, in making provisions against the winter, when he's always most active; and we may take it for a certain maxim, grounded upon our experience all this war, that if we can't prevent the French from doing their business in the winter time, or very early in the spring, all our summer's expedition ends in nothing but marching and countermarching, running away, or getting a kick on the a—, and so home again, and tell our loving subjects some dreadful story of the great or excessive power of France, and desire more money.

Thus we are fooled and cajoled from year to year, with the perpetual outcries of the growing power and excessive power of France, their augmenting their forces by sea and land; put in mind of our being exposed to their attempts, the danger of our country, liberties, and properties; and to animate us to open our purses the wider, and bleed the more freely, he assures us in the word of a true protestant Dutchman, he has the same religion to defend. What pitiful nonsense is all this! It has been pretended all along this war, that the French king, in his negociations with the pope and the Italian princes and states, to incline them to use their interest to procure a peace among the catholick princes, or to take part with him, has made it his business to persuade them, that the war carried on against him, so far as the protestant princes or states were concerned, was on the score of religion, which has been denied by the said protestant princes, and most of their writers on this occasion, and particularly by the author of the "General History of Europe," published by the authority of the States General, in the P. of O.'s Declaration published by Schomberg in Dauphiny; and in the articles of Limerick we find the P. of O. to the regret of many of our protestant rebels, has granted greater liberty and privileges to the Roman catholicks in Ireland, than ever they enjoyed in the reigns of any of our protestant kings. But to come nearer, he uses ambiguous terms, which look very suspiciously, "We have the same religion to defend." What same religion? The new latitudinarian religion, presbyterian, or the Oliverian independent, or what? Even what you please. We are presbyterians in Scotland, episcopalians in England, Calvinists in Holland, and (if some

intelligent persons are not mistaken) Roman catholicks in Flanders, and, after all, every where atheists. There are those in the world who fear not to assert, that it was publickly enough reported at Rome by divers of the cardinals, and particularly the auditor of the Rota, some time before the Revolution, that he was reconciled to the church of Rome; and some stick not to assert, that he made his protest in the royal chapel at Brussels before the high altar, at his admission into the confederacy, that he would inviolably perform the articles of it; whereof one is this, if we may credit a copy printed here in England, of the resolution of the princes, allies, and confederates, which has been taken in the assembly at the Hague, &c. Art. 1. Having resolved to make a descent into France, &c. "We will make no peace with Lewis XIV. till he has made reparation to the holy see for whatsoever he has acted against it, and till he has annulled and made void all those infamous proceedings against the holy Innocent XI." If this be really one article of the confederacy, as there is a grand suspicion, if we consider the lukewarmness of that pope towards King James, as was frequently buzzed amongst us formerly, what figure he made in the confederacy, and his inveterateness against the French king, the bigotry of the emperor, and the inflexible temper of the Spaniard as to matters of religion, it's not to be conceived how they should enter into a negociation of this nature with the P. of O. without an assurance of his coming over to their persuasion, and resolution of promoting the Roman catholick interest in these kingdoms. Neither is it reasonable to suppose they would contribute their assistance to remove a prince of their own principles, though with a grand prospect of advancing their civil interest, to the hazard of impairing their religion to make way for an heretical prince. Besides, how can we imagine they would ever communicate such a secret to him, if they were not first sure of him, or could be sure of him without such an engagement? The sole refusal or discovery of it would have infallibly prevented all their designs, brought an indelible dishonour and scandal upon their religion, as well as their persons, and provoked King James and the French king to take the utmost vengeance upon them, and made them justly odious to all the rest of the christian world, of whatever persuasion: What a blemish would it have fixed upon the emperor, commonly characterized as a prince of a most devout temper, and actually engaged against the common enemy of Christianity, to be found in a design to depose a catholick prince, and at the same time to cut off all the hopes of ever propagating the catholick religion in three kingdoms? Neither is his usual partiality towards popish bishops, priests, and the Roman catholicks in general, one of the slightest arguments for this suspicion, though it's usually objected, that by his alliances he was obliged to shew some favour to them. Why was it not as well cautioned he should not set the mob upon their houses and chapels? and why did not those princes, by their interest with him, prevent the issue of so much blood, and put a timely stop to those horrid barbarities, and irreparable ruin of vast numbers of their own persuasion then, as to shew such favour and marks of distinction since? No, some severity was absolutely necessary in the beginning to get the affections of the people, and to his surer establishment in the throne; but since he has gained his point, and dipt all degrees and orders of men so deep in guilt against their lawful sovereign, that they fancy themselves beyond all hopes of pardon, he rides them at his pleasure, makes them believe what he lists, and readily stops their mouths, and entirely satisfies them with this excuse.

There might be some other very considerable arguments offered on this head if necessary or prudent; all that I shall add is this, that for my own part I shall ever believe him to be a papist, as much as any others fancy him either a presbyterian, or of the communion of the present pretended church of England, till he satisfies the world to the contrary, by taking some severe test and most solemn oath, and if this should prove true, (as it may, notwithstanding his communicating publickly according

to the form of the church of England, as many have done formerly to our knowledge before the test was advised to make the distinction,) how finely are we trumpt upon? However, let him urge this motive as far as he pleases, it's little to the present purpose; as the business of religion has been managed since his usurpation, 'tis no great matter what religion he or we profess; we have as good as renounced our Christianity already, to make and receive him as king; and I am sure nothing can be more contrary to it, or affrontive of the great God of heaven and earth, than our very prayers and devotions, wherein we beseech him to support and prosper one of the grandest pieces of villainy that ever was acted upon the face of the earth, to confound all justice and probity, which is as great an indignity to an holy and just God, as idolatry in the highest degree of it. Nay, more than that, all our preaching and prayers tend directly to nothing but the hardening and encouraging men to persevere in the horrid sins of rebellion and schism, with their concomitants, and by consequence, in the eye of reason, give an inlet to all other vices, it being as justifiable for a man to plead a necessity for whoring, theft, murder, &c. as to incur the guilt of perjury and rebellion for the preservation of religion; and the consequence is so visible and intelligible by all the debauchees and atheists of the age, that we, to our great sorrow, perceive the visible growth of both daily;[1] and one John Tillotson has contributed more to the spreading and rooting of atheism than fifty Spinosa's, Hobbs's, or Vaninus's: So that let him insist as long as he pleases upon that old stale cant of religion to cover all the rest of his profligate designs, we are certain he has the least reason to name it of any person in the whole world; one may as soon with his arch-heretick, and schismatick, Don John, find out a place for the damned in the mansions of eternal bliss, after a certain period of suffering hell torments, or that the devils and damned sing hallelujahs in hell, or that they shall at length merit a release from those dreadful torments, by their supposed blasphemies against, or execrations of God Almighty, as the least spark of religion in him, if we reflect upon his practices, (which are ever the fruits of good or bad principles;) or as soon demonstrate that the emperor, the King of Spain, Dukes of Bavaria and Savoy, entered into the confederacy with him and the rest of the protestant princes, out of no other design but to preserve the church of England against the attempts of King James and the French king, as prove it ever was the least part of his intentions. For 'tis visible to any one that knows the difference between schism and the unity of the church, that he has persecuted ever since he came hither the members of the true established church of England; and the first effort that he made was to let loose all manner of schisms and heresies upon her to worry her to death if possible, the preservation of which he most impudently makes one of the plausible pretexts of his invasion; and if the latitudinarian gentlemen had not, out of a great zeal to preserve their preferments more than their religion, swallowed the oaths against their known duty and allegiance, had put the presbyterians and independants into the actual possession of all the churches in the kingdom, as is constantly urged by them in private as the only reason of their compliance, and so turned r——, as they say, to keep rogues out. And here I must not forget to give them their due; they proved apt scholars and out-witted him. Nay more than that, by compelling them to compliances against all that they formerly taught and professed to believe to be their indispensible duty, he has been the occasion of such new lights and discoveries to them in matters of the nearest concernment to them, that in effect he has given the sham to the so glorious deliverance itself, and rendered himself for the future altogether useless. How natural is it now for them to urge, and indeed in some of their writings they have already, that though there might be some pretence in the late dark age of their imma-

[1] The high churchmen complained bitterly of the abuse of the press after the Revolution, in the article of heretical and deistical works.

turity and childhood for his heroick and generous undertaking, there can be none now for his continuance, which by his unsuccessfulness, and the vast expences he puts the nation to, without any colour of hope to accomplish the remainder of his designs, has already dimmed the lustre of his first enterprize, and sunk it almost into oblivion. 'Tis not change in religion, let it be what it will, can affect them now; they've got a clue that will readily extricate them out of all such labyrinths, with the new arts of higher and lower sense, the distinction between submission and allegiance, as circumstances shall determine it: No oaths can now enslave them and tie them up, and no pretence of religion impose upon them. Christianity is not the same thing now that she was in her swaddling clothes; one thing is to be done in propagating the faith, another when she has taken firm rooting. That self-denial and passivity of the first ages was really necessary for the propagation of the faith; but now it's settled it's become an useless topic, especially since the state has added her sanction, and stampt it into civil property; and Christianity, as to the *agenda*, requires little more than what the pure light of nature, cleared up from passion and prejudice, suggests of herself: Self-preservation is her prime law and dictate, and all the religion in the world cannot null it, without committing the greatest violence upon humanity itself. Besides, since salvation is not confined to any party or sect of Christians, but allowances must be made for human frailty, it must be diametrically opposite to the great law of charity itself to be strait laced in a point of such deep importance. Therefore let the P. of O. talk what he will as to religion, ours is as comprehensive as his, let it be what it will; we want only the much-desired opportunity to reap the blessings of our happy change, which if it cannot be obtained under him, we are ready for the next propitious providence; and let it come from whence it will, *modo hic sit bene*, if we may but continue Vicars of Bray still, we'll call it and celebrate it as the greatest deliverance we ever had yet.

These short reflections upon some passages of his speech, I thought fit to subjoin to my considerations on the last-mentioned disadvantage these nations have by this great Revolution, viz. the unlikelihood of ever enjoying peace under the present government. I might, if it were not to avoid being over tedious, enlarge myself upon a subject of fatal importance to these islands, the daily decay of trade; all that I shall say in reference unto it is only this, that it's impossible for us to retrieve it so long as the P. of O. continues here; because we can never hope to be at peace, or masters of the seas so as to secure it; and we must allow a million and a half at least to be yearly lost during this war, in shipping and goods, and all the possible product or increase of it in the way of commerce, near a third part to be deducted out of the trade in general, occasioned by excessive taxes and scarcity of money; a considerable part whereof is near lost already for want of seamen, convoys, and ships themselves, by such vast numbers being taken for transportation, the frequent embargoes, and unhappy detaining of our fleets, to the loss of their markets, wasting their provisions, and raising commodities to such high rates, that we had as good be without them; particularly the Newfoundland and Bank fishery suspended, if not lost, to the impoverishing of divers of our port towns, by reducing numerous families to downright beggary, to the excessive charge of the respective parishes they belong to. Then again, for our comfort, let us but consider the increase of the French shipping, by their perpetually snapping ours and the Dutch, the increase of their seamen by the vast encouragement of the privateers, the addition that will be made by the next summer to their navy, and we shall find trading by sea will in a little time be rendered almost impracticable. Add to this the P. of O.'s certain design to betray our trade to the Dutch; for it's impossible to avoid such a reflection, since no other reason can be given for the detaining our Turkey fleet above twelve months for want of convoys, after they were ordered to be in a readiness. What other account can be given of the ineffectualness of the petition

made by divers merchants and ensurers to the House of Commons now sitting, wherein they set forth their losses of 190 vessels taken by the French since the last fight, (and I suppose they mentioned only such as belonged to the port of London,) they were only slighted by the committee, telling them opprobriously they were not the chief merchants of London, and demanded whether they would swear on their own knowledge to the number of the ships, and the particular time and place of their taking, &c., whether they had applied themselves to the lords of the admiralty for convoys; and when they answered that they had, they referred them to the council-board, and the council told them they could spare them none; the committee quelled the business, saying, the council must have some reasons why they could not grant them any. Does not all this appear to be a real design to ruin our commerce, and to gratify the Dutch? And are not we forced by this means to trade with them for ready cash, or bullion, for those commodities which we use to fetch in our own bottoms from abroad? And if we do but reflect what a prodigious sum of money the spices we annually take off from the Dutch, which we were wont to barter for with our tobaccos, sugars, &c. from the West Indies; and the losses we have sustained during this war in our Jamaica, Virginia, and Barbadoes fleets, by which means we are necessitated to part with our coin in specie; the interruption in our East India, Streights, and Levant trade, being hereby obliged to take those sorts of goods at the second hand from them; the decay in our traffic, and the great hazard of utterly losing it, it will appear, to the eternal reproach of our mock deliverer, the manifest treachery of the conservators of our liberties and properties, and the terror and (I hope in God) the just regret of all those who are not willing to have their noses and ears cut off by the cursed and never-to-be-forgiven Dutch. This is not all: let us reflect upon his endeavours the last session of parliament to dissolve the East India Company, which part of our trade has been ever envied by those greedy Mammonists, and for many years has been attempted to be engrossed by them; and you will easily foresee to what a weak condition the trade of the nation will be reduced, if not speedily prevented, which must require many years to recover her pristine wealth and glory. In one word, all that's valuable to us runs to wreck, our religion dwindling sensibly into downright atheism and profaneness, our liberties into slavery, our property into beggary, the honour and reputation of the English nation into the utmost contempt; the constitution of our government broken, and the people running more and more into factions, the greatest part of them however disagreeing among themselves, dissatisfied with the present government. Add to these considerations the certain prognosticks of a decaying state; the lost reputation of him who sits at the helm; the growing lukewarmness and despondency of the people in general, occasioned by immoderate taxes, want of trade, the barbarous usage of our soldiers by land and sea, unsuccessfulness in all the late noisy projects, and the known strength and policy of the enemy. Then consider and weigh seriously the looseness of the present clergy both in principle and practice; as to the former, atheists more than Christians, asserting, in effect, that real and acknowledged evil may be done to good ends, preaching up and practising rebellion, reviling in their sermons and blaspheming the Lord's anointed, applauding the wickedness of the usurper, and blasphemously equalizing him to our Blessed Saviour, as some of them have most impudently done; and by justifying all his most flagitious proceedings, make themselves accessary and parties to all he does, imbruing by that means their hands in all that innocent blood of their fellow-subjects that has been spilt by that detestable murtherer, to the subversion of the monarchy, and all the calamities that have ensued upon it, let them be of what quality soever, (since if they had done their duties, all these miseries had, morally speaking, been infallibly prevented,) to the great honour of themselves and their religion;) and so render themselves unfit to approach the holy altar of God, and to intercede for a blessing upon his people: Thus by their means the gates of heaven are

barred against us, and instead of blessings we have plagues and judgments. The degeneracy of the priests has been ever looked upon as a direful forerunner of ensuing destruction; and I am sure it must look very horridly, when the priests shall pray and praise God for nothing but what's the effect of his indignation, caused by the sins of themselves, and the people misled by their wicked examples, when they shall endeavour to harden and confirm them in the sins they have drawn them into, and as much as ever they can prevent their repentance; when they shall exhort them to take part with disobedient and rebellious children against their parents, to violate their allegiance, expose their bodies and souls in a most unnatural rebellion, and pray to heaven to prosper them in the very height, &c of impiety: What a dishonour is this to God and religion! What a curse to the world! What an injury to men's souls! And what can it portend but vengeance, and (without a timely and extraordinary repentance) inevitable ruin? Neither can I omit putting my fellow-subjects in mind of that raging pestilence in the East Indies, which has swept away multitudes of our people; the never-to-be-forgotten earthquake in Jamaica, and those late monitory shakings which ran through all this island, as well as a great part of the territories of our wicked confederates: I shall not pretend to divine what may be the consequence of them; but we never heard of an earthquake in this island but did certainly forerun some very remarkable calamity.

All I shall farther add is this, The only refuge this government has (for I find they don't think it safe to stand upon their own legs), is to keep up the confederacy; this in reality will prove a rotten reed, we may lean upon it, but it will run into our hands and wound us, but never support us; it's grown already feeble and contemptible, and being originally founded in villainy there's little likelihood it will prosper. By the experience of former ages, confederacies seldom or never performed great atchievements. Their religions, manners, interests, being for the most part different and contrary, their consultations for that very reason seldom prove effectual: And Montluc tells us, that two princes designing to overcome a third never agree long; and gives you his own experience, and that of preceding times, for it. And the most acute and judicious Guicciardine tells us, That confederacies can never be so knitted and united, but that some or other of them will grow remiss, or go off from the rest; and then all is spoiled. And Comines adds, That if there be not one to over-rule and govern all the rest of the confederacy, their designs will be frustrated, and end in nothing but their own shame and weakness, and the glory and advantage of the common enemy. I might, if I dare take that liberty, have produced a multitude of examples of this nature, but I hope any one's reflection upon the instances of this age will save me that trouble; and therefore will address myself to those of my countrymen who have had the misfortune to be misled, that since they have found all their expectations deceived, themselves gulled out of all those real blessings of government they formerly enjoyed, peace, plenty, liberty and property, and all that could render a people happy, by one whom a man would be tempted to think could never have been procreated of human race, void of all sense of religion, justice, honour, and every qualification that is apt to conciliate love or veneration from mankind; who has really forfeited the crown by his own act, having violated the very instrument of government he subscribed: One that has been the occasion of shedding more christian blood, on both sides, than was spilt in the ten persecutions, and merely upon a sham pretence of religion to us; that it is their interest and indispensible duty, if they have any sense of goodness remaining, any fear of God before their eyes, any respect for religion, or love for their souls, "any remorse for the evil they have done, any bowels for their own country, any charity for the rest of the world, to free these nations of such a plague and curse," and, if possible, "to redeem all those blessings" which have been so long with-held from us by his means, by atoning God Almighty, by doing justice to their highly injured king and queen,

to themselves, and to all Europe, and averting those dismal plagues which otherwise ere long will fall upon their heads: Otherwise let them do what they can, be as obstinate, malicious, and revengeful as they please, if they be resolved yet to act wickedly, "they shall be consumed, both they and their king."

The Jacobite Principles vindicated, in an Answer to a Letter sent to the Author. By Charlwood Lawton, Esq.

This Tract, considering the times in which it was written, is a very moderate and accommodating statement of the principles of the Jacobites. But temperance is too frequently only the virtue of adversity, and the measures recommended by Mr Charlton, although they would certainly have maintained James upon the throne, if adopted while he yet occupied his royal situation, could not even, if the vehemence of the more zealous Jacobites would have permitted them to be adopted as the creed of their party, have been found adequate to work out his restoration. A tardy repentance, only adopted when the exiled monarch was suffering the penance of his errors, was more likely to be regarded as the fruit of hypocrisy than of conviction. The treatise, however, serves to vindicate the conduct of many conscientious persons who embraced the cause of James, under a persuasion that he had seen and repented of those errors in government which had occasioned his exile. That their hopes would have been blighted by the success of their party, if indeed James had been restored by force of arms, is a point on which there can hardly be a doubt.

The Tract is inscribed to the queen, *i. e.* to Mary of Este, to whom, however, some of the opinions thrown out must have been highly unpalatable.

This pamphlet was probably designed as a counterpart to that entitled "A French Conquest neither desirable nor practicable," which is inscribed to King James, as this is to his consort. Both are couched in the same temperate, insinuating, accommodating strain of argument, and were probably more dangerous to the government than the more violent effusions of the party.

Dedicated to the Queen of England.

To the Queen.

MADAM,

I BESEECH your majesty's pardon, that, without first consulting you, I lay at the royal feet of a most injured queen the vindication of a most injured party; and I hope this dedication will have so much effect upon the public, as to satisfy the world of my candour in representing the measures of your majesties, and the notions of those that are in your interest; for it cannot be supposed I dare inscribe that to your name, that is contrary to the royal intentions of his majesty and yourself. I must confess I think I have reason rather to beg pardon that I have not sufficiently explained the good inclinations you both have to make us happy. I chuse to put your majesty's name before these sheets rather than the king's, (though I suddenly design to dedicate a short discourse to him) because, if possible, the world has been more maliciously unjust and inveterate towards you, than ever against him; nay, some have presumed to censure

your majesty for those errors and mistakes of his reign, (for which I don't pretend to apologize) which were entirely the work of his false and corrupted ministers; and yet I have heard from those who had opportunity to know, and who are not much your friends, that public affairs were not your concern whilst his majesty was here; which is the more to be admired and applauded in your majesty, since all that had the honour to wait upon you about business when his majesty's absence in Ireland made it absolutely necessary for you to apply yourself to it, found in your majesty a genius fitted to all great affairs. And, madam, though you retired as soon as the king returned to St Germains, purely to the exercise of your own private virtues, yet I am so assured that the reflections on then made, whilst you was perfectly forced to look into the British affairs, and since you have entirely quitted them to his majesty's care, have fully convinced you that these are proper measures of accommodation, that I don't doubt but your majesty will graciously forgive my presumption.

I know few men approach crowned heads without making panegyrics, but I shall not enter upon a theme upon which posterity will better bear just things to be said than the present age will yet; nor is a courtly style my talent, though it is from a sense of your goodness as well as greatness that I am devoted to your commands and interest.

I have heard of but few faults that any party has found with the first edition of this paper,[1] which I hope is a good sign that all men are at last inclined to moderate things. I am sure it was written with all the good meaning imaginable towards my king and country, your majesty and posterity, and all the several divided parties of your subjects: And that you may be glorious, and they happy, is the constant prayer, and shall be the endeavour of,

May it please your majesty,
Your majesty's most obedient subject,
And faithful servant.

The Jacobite Principles vindicated.

Sir,

As much as Englishmen have been famed for their hearts, they have been always reproached for their heads. They have always lost their wits by national intoxications. They have been always a tempestuous, a heady, and a divided people: But they never were more apparently so than they have been in this last change. They have not only out-run their own, but the pretences of their deliverer. He came not for a crown, but to redress our grievances; but we would give the crown, yet neglect our grievances, and all amendment of our constitution: And we will still maintain our injustice in the one, and folly in the other. Those that resolve to do so, may see Maestricht taken after Mons and Namur, Flanders submitted to France, the confederacy broken, and we (divided as we are, and shall be, amongst ourselves,) left to grapple with all that power which has now for four years employed such united forces. Nor can we hope God will work a miracle to support so unjust a quarrel. They may see all this war brought into our own bowels, into this divided kingdom; may see it make havoc and desolation upon this island; in a word, may see friends and kindred killing and destroying one another, embruing their hands in each other's blood, and then our pretended fears may become true, those miseries overtake us, with the pretended suspicions of which we have coloured over and countenanced our unrighteous doings. But you think it is too late to draw back, and you can see no security in the restoration; you can't see

[1] Which was probably published in 1691.

our lives, and our religion, our liberty, and our property will be safe; I aver you impose upon yourself, and one man imposes upon another. But you say you are frighted at the discourses of some, both protestant and catholick Jacobites. You say they talk for slavery, and that when we are slaves we may be made papists. Yet, if you would consider, you have been invited by published pamphlets to reflect, who among the Jacobites are likely to give you satisfaction. Would you have men set their names to what they write? There are men that you believe are in King James's interest, that you have no reason to believe would sacrifice their country or their religion, and that I assure you, have as true a love for those good things you mention as you can have yourself, and that would join with you and any Englishmen, to ask in a respectful manner for every honest thing that is necessary to secure us from arbitrary power, and the violence of all sorts of priests, and that are themselves satisfied, and can authentically satisfy you that the king has been a long time willing to make all those necessary concessions that will secure the church of England as the established worship, make an impartial toleration safe, and for the future put our liberties and property out of the power (as much as good and wholesome laws can do it) of mal-administration; nay, that are satisfied he must be willing to do so if ever he will come home. There are Jacobites that believe what Gourville is related to have once said concerning our kings; *Qu'n Roy d'Angleterre qui veut estre l'Homme de son Peuple, est le plus Grand Roy du Monde, mais s'il veut estre quelque chose d'Avantage, par Dieu, il n'est plus Rien.* There are Jacobites that are for reformations, though they believe them more lasting under uncontested titles than where title is too great a part of the dispute; that think it lawful for kings, and their parliaments, to limit and explain the nature of prerogatives, though they think it safer to the constitution to leave it to the three estates so to do, than for one or two of them to innovate too rudely without the consent of the other; that own a great difference between the changing or abolition of some particular laws, and altering fundamentals. And the greatest assertors of liberty must acknowledge, that prerogatives in kings, suitable to the respective constitutions, are necessary to maintain those constitutions, and to protect their subjects; and consequently, that in all pacts and compositions their people make with them, due care should be taken, even by the people, not to take from their kings any essential powers. Prerogative, like a river, sometimes gains, and sometimes decreases in its banks; but the bark of the community sails safest when it keeps its own natural channel, according to the respective constitutions. Bacon, that writes the Uniformity of the Government of England, is certainly no over-monarchical author, yet he has this expression in relation to King Stephen: "Too much counter-security from the king to the people, is like too many covenants in marriage, that make room for jealousy, and are but seeds of an unquiet life." After all, it is certainly the nature of Englishmen to delight in, and they have been used to a limited, explained, and hereditary monarchy; and *Naturam licet expellas furca tamen ipsa recurrat*, will be found true in a politic as well as a natural sense, by all those who would change our government into an absolute monarchy or downright democracy, or that will interrupt the succession. The Lancastrian usurpations, and the late times, witness this. But perhaps some of these Jacobites you complain of, may think to disgrace what I have said, by calling these notions republican. To these gentlemen I will first answer, that since we are so elemented for a commonwealth, there is no keeping it out but by a reformation of the monarchy, that may as apparently answer all the reasons why government was first deposited in the magistrates hands, either by God or the people. I will not dispute the original of government at this time, but I will offer one thing to these speculators to consider of, which is, that whilst they too much cajole kings, they lose their interest with the people, and mislead an English monarch, and make way for that government both in church and state, which they would (if they understood how) oppose.

They help the real commonwealths men to arguments, and give the presbyterians opportunity to insinuate, and gain the hearts of the people. Perhaps were the people of England a *prima materia*, I would be very well content that the draughts of these superfine projectors should be debated, but I think Machiavel was as good a politician as most of them; and yet he says, "If the variations of times are not observed, and laws and customs altered accordingly, much mischief must follow." And in another place he affirms it "a very hard thing to keep them in servitude who are disposed to be free." And whoever has reflected upon the extravagant courses we have taken to be so, ever since the beginning of the late civil wars, cannot sure doubt of our disposition: for though we have been mistaken in our cures, nobody can be mistaken in our propensity. I am no lord, nor ever desire or hope for any title. I had rather serve my country in the lower than the upper house; and if my country never thinks fit to send me to that neither, I shall never court, much less bribe, for that employment from my country: for I would not be bribed in it. Yet considering how much the power of the lords has in some reigns been a check to the encroachment of kings, and in others to the hot-headedness of the people, I should be willing to screw up the aristocratical part of our government, though not to the height it sometimes has had in our policy; but the present ferments of England make it impracticable. And though some men are, I am not for driving nails that will not go, when we may without breach of conscience let that work alone to a more clear-sighted age. Though I think our oaths, and the original contract of our law-books, bind us to restore the king, yet I know no obligation we lie under to restore power to the lords, but as there shall appear both great feasibility and expediency: I am not for hazarding much for bringing things exactly and minutely to my platform. It will be always enough for me, if the fundamentals of our government are preserved. A trimmer in politics, if it means one that would avoid extremities and compose things, and not one that serves himself by all times and changes, is a name and character that I shall always revere. But to give these gentlemen a farther answer, I must tell them, that it is plain, by undeniable matter of fact, that to those persons that engaged in the Scotch plot, though he had not tried his fortune in Ireland, nor could the persons engaged assure his return, even upon such condescensions, yet the king granted, under the broad seal of that kingdom, a full redress for all grievances, and that at the request of people that had opposed him: so that talking of terms will be no harsh language to him now; he can want no farther illumination, by a long series of misfortunes, to let him see, that compliance with his people is his true and only interest. In a private pamphlet, and in a private capacity, it is not proper to state the manner and bounds of our redresses: But did ever people re-admit a king they had ejected upon the mal-administration of his ministers (if they could any ways help it) without making good provisions? Can any body imagine we expect the people of England should? The men of sense, and quality, and estates, amongst the Jacobites, be they protestants or papists, don't wish they should do it. Would you have trials secured? It is the interest of all parties care should be taken about them, or all parties will suffer in their turns. Plunket,[1] and Sidney,[2] and Ashton,[3] were doubtless all murdered, though they were never so guilty of the crimes wherewith they were charged: The one tried twice, the other found guilty upon one evidence, and the last upon nothing but presumptive proof. Either let prisoners have counsel, or the judges to be forced to be more impartially so than they were in any of these cases; and let juries understand, that only *allegata* and *probata* are to direct their verdict, and not deadly feuds, foreign belief, or state necessity. In Scot-

[1] A Roman catholic priest and titular bishop, tried and condemned in the course of the Popish Plot.
[2] The celebrated Algernon Sydney.
[3] The proto-martyr of the Jacobites.

land, at all trials, the whole is taken down in writing, word for word, as well all probations as what is said, both by the king's advocate and the pannel or criminal, and is all made a record, that after-times (when the heat of the prosecution is over) may examine whether the judge dealt impartially; and if he did not, and is alive at the review of those proceedings, if the prisoner suffered death by his warping the law, the judge is to undergo the same punishment; and if he is dead, the heirs of the injured person is to recover equal damages to what they sustained in their fortune, by his illegal sentence, from the heirs of the unjust judge. The Saxons punished false judges, by giving satisfaction to the party wronged by them; and as the case required, by forfeiture of the residue to the king, and by his disabling them for ever for places of judicature, and by leaving their lives to the king's mercy. Who can have the face to oppose the revival of something equivalent to that law? But I will not discuss too particularly the particulars I shall mention. The granting of that bill for judges,[1] that the Prince of Orange refused, and Whitlock's for trials, will be the glory of King James's reign, whenever he is restored.

As to the armed force of England, I think there may be ways found out to make our militia as serviceable as any mercenary bands, to employ all our officers that have had military experience, to raise from time to time such numbers of officers, and such nurseries of private centinels, as may make both the king and kingdom safe, add to the glory and majesty of our monarch, and yet not leave the least umbrage for jealousy in the minds of the people. But this is not a time of day for me to lay before the world such plans. I will not hold forth such doctrines under any government I think unjust, and that I think, too, have not the honesty to embrace them if I would. But if ever I see an English parliament under a rightful prince, I will not be wanting in offering my mite, in this and all other things that may contribute to the good of my country: And sure nobody can be so unreasonable as to be unwilling to hear from one that has given testimony of his loyalty to his king and nation too, any thing that such an one will propose, to establish the throne, and quiet the minds of his fellow-subjects. Prætorian bands in Rome butchered as well as guarded their emperors. It is but very lately that the janisaries deposed the Grand Signior, and King James's own army deserted from him in these kingdoms; and I am confident I can shew, that the love of his subjects is the best standing army for an English king, as well as how he shall have it, and be able to look all his foreign enemies in the face to boot: But I say, it is not time for the publication of these things by my hand, nor will I be too prolix upon any one thing; therefore to come to parliaments.

Is there any man of sense and fortune, that does not know them to be the conservators of all that we hold dear? Can there be an unjuster thing, any thing more fatal, than a partial representation of the minds and interests of men in that house? Though this reign has taught them to do very little else but give money, or sanction to, or pardons for the irregulations of ministers, yet the design of their institution is as well to provide remedies for the complaints of the kingdom, as cash for the prince's coffers. I will not debate what is necessary to make them free, but I am sure they should be so I will not say how often they must sit, but I am sure they should frequently: Both these considerations are fittest for their own house, and I am not willing to make narrow spirits peevish: But sure no man of interest, or that hopes to keep any reputation with the world, will deny they should be free and frequent, and that they should not be too much officered, that they may be faithful.

I shall not enter into a detail of what is the work of parliaments; but there is one thing I am sure is very properly theirs; and that is, to make an exact scrutiny into

[1] A bill for making the judges independent of the crown, which was thrown out in King William's time, but has since been happily passed.

the public administration, and to bring ministers (who are above the reach of common courts of judicature, and can stem all other prosecutions;) I say, it is the work of parliaments to bring such ministers to condign punishment, if they deserve it.

I know not any thing wherein princes, and some of their subjects, have been more unfortunately mistaken, than in their wishes that ministers should be impunible: Whereas favourites that are not a cement between prince and people, that don't consult in all their actions, the laws of the constitution, and inclinations of the inhabitants, become rocks of offence, and bring ruin, sometimes upon all, too often upon their princes, and, God be praised for it, more generally upon themselves. What is the reason of that admirable maxim, that the King of England can do no wrong? Why do the people of England make him an Epicurean god, so happy in the enjoyment of his own majesty? Why do we say, that he neither can nor does disturb the peace of our world, but because his eyes and his ears, his omnisciency and his omnipresency, are comprehended in his ministers; but because, if those ministers are troublers of our state, they are to be punished, even for inadvertencies, and much more for sins of malice? Though this revolution has blotted out all our original contract, razed all our statutes and law-books, turned our monarchy topsy-turvy, and scandalously prevaricated from all our civil compacts, by employing the men that persuaded King James to, and acted in what we imputed to him as false steps, yet it was his ministers should have been punished, and not he himself dethroned; and sure King James, after he has found so many ministers were false, others flattering and foolish, cannot be unwilling to leave it an everlasting law to his and our posterity, that ministers shall be accountable. It is our law, though both weak and profligate men have, the one fancied, and the other pretended the contrary; and for that reason, and that reason only, it ought to be written more legibly in our statute-books. Is it not the interest of kings that ministers should not mal-administer away all the affection of their good and loving subjects? Is it not the interest of kings, that the representative body should plainly show them by whom and how they are betrayed? Yet, after all, those that will read that excellent chapter in Machiavel, which shows how necessary it is for the conservation of the state, that any citizen be securely accused, p. 277 of his works, ought to read the two next pages, which show, that unjust calumnies are no less pernicious to a commonwealth, than legal accusations are profitable and good; and there you will find a great difference betwixt accusation and calumny. Ministers ought to be punished; I am satisfied the king is willing they should be so for the future: Sunderland's ministry suggests that advice to him very effectually and strongly; but Beautefeaux also are to be suppressed in all well-ordered states.

One thing seems naturally here to fall in my way, which I beg leave to handle in the most inoffensive manner that I can. I foresee this part will less please some men, for whom no man living can have a greater honour than I have, yet I think it of so much necessity and importance, that I cannot forbear mentioning it. There was not an ill thing done in King James's reign, that I did not call so then; and all that know me, know that I have taken it as my province to represent truths, be they never so bold or bitter, whilst they are for instruction. I am no advocate for any man's faults, nor for any faults, though I would be charitable and good-natured, forgiving and forgetting towards all men's persons. Methinks the state of things require this measure. I scarce believe there ever was a period of time wherein an universal amnesty was so requisite; a forgetfulness, as well as forgiveness of all past crimes. Methinks all sides stand in need of this temper. If the ministers of King James exceeded in their management of our affairs, as doubtless they did, we have doubtless exceeded too in our revenge upon the king's person; and besides, those that have fallen in with the usurpation have not proceeded against any one man that has been in their hands, for any thing that was done amiss in the two late reigns; and therefore methinks it is very

hard if we cannot forgive those that have undergone banishment, (which in all countries has been reckoned some sort of punishment), or such as have hazarded prisons, or the gallows, every day. Why should we not forgive all those that serve him amongst us, or that are with the king (though they may have had faults) when we desire, or I am sure ought to desire, that the whole land should be forgiven? All parties, and almost all men, have some way or other been to blame; and therefore there seems to me to be a little too much passion and self-interest in keeping up old grudges. I avoid saying there is any infatuation in keeping them up, though I cannot think that it is the likeliest way to prepare the king to close with wise counsels, to revive or continue our piques; for the king can scarce be supposed to be without some kindness for those who have either followed his fortunes, or ventured their necks for him; and consequently, it is not perhaps advisable to make those that transact in his affairs (though they have been peccant) believe they can have no quarter, no share in him, unless he return with a high hand. They will have some opportunities to put ill constructions upon good advices. I have read of but few of those heroic spirits in any age, who have so divested themselves of all regard for their own persons and posterity, as to be willing to become a sacrifice to their country. I think this age affords fewest instances of those great minds; and therefore I think it the likeliest way to make men instrumental towards the good of their country, to show them that they shall find their own account in being so. I hope I have expressed myself in as modest and inoffensive words as any in which I could conceive my thoughts; and I hope I shall not be so misunderstood, as if I would justify any thing that was by any body done amiss; for I will not justify a false step, even in the king; but I would have us lay aside all the biasses of factions and friendships, and much more all enmities, that we may unanimously offer to the king right notions, and thereby restore him to his hereditary kingdoms. *After all, I would* not have less than such a repentance as gives evidence of amendment entitled to absolution, but I would leave room and rewards for such repentance.

I fear this moderation and forgiving of enemies will be thought a hard lesson; but, I bless God, I have practised it, and I think it not only the noblest precept in Christian morality, but an admirable rule in civil prudence, especially in our case; for it is as difficult for a party that is subdivided within itself to pull down an usurpation, as it can be for a divided kingdom to stand.

But I am sensible I have made too long a digression, and therefore must omit many other particulars upon which I would explain myself, and the sense of many other Jacobites; and, I can assure you, I am sorry that any Jacobites say any thing that offends well-meaning men: But I wish, for their own sakes, my countrymen would not take a standard, either of the king's inclinations, or the rest of his friends, from their indiscreet tattle. There are in his interest those that know, that to talk too loftily and dogmatically, to dispute, as they do in the schools, concerning prerogative and the nature of monarchy, to stand nicely upon punctilios, to consult Aristotle's and Xenophon's kings, is as unlikely a way to come to a mutual accommodation, as to peruse and dream of Plato's Commonwealth, Sir Thomas More's Utopia, Harrington's Oceana, &c. There are men of his side, that think (as the great lawgiver Solon did) that a government must be framed according to the nature of the governed, and that he is the best subject, as well as politician, that adapts all his notions to our tempers; that considers men, as well as peruses books, when he is to draw a scheme; and I believe, as you say, that the high flights of some Jacobites hinder many honest men from coming into his interest; and farther, that they sometimes mislead the king. Nevertheless, there are in his interest men that, I assure you, are not frighted at words, nor startled at nicknames; that know the King of England makes the greatest figure in Europe, when he is best with his people, and that is when he governs by the measures of commonweal.

These men know, a good commonwealth's man was not a character of reproach in our legislation and politics till all our glory dwindled, and the absoluteness of ministers was more consulted than the true interest of king or kingdom; till a pack of knaves forged a separate interest between the King of England and his people, and till they began to call a mixed monarchy an errant bull, and would reform our state by metaphysical and court distinctions: Whereas, if our histories and statute-books were consulted, they are every where full of explanations. Are these gentlemen you complain of weary of *Magna Charta?* (which was but a revival and recitation of the Saxon liberties and ancient British laws.) I will prove to them farther, that laws and lawful prerogatives may be so abused, that it may be fit to take away the one, and to desire that the other may never be again so used; and that our former kings have thought so. But I will go no farther back than the conjunction of the two roses, and they may find that in Henry the Seventh's time Empson and Dudley harassed the people by obsolete unrepealed laws; nay, it has never been thought mean by our greatest kings to make condescensions to their people: And, as haughty as King Henry VIII. was, my Lord Herbert, in his history of his reign, tells you, that in his first parliament he repealed, explained, or limited those statutes by which his father had taken advantage of his people; and (as my Lord Herbert judiciously observes therein) was willing to restrain his own authority, in some sort, that he might enlarge the people's confidence and affection. This that king did in the celebrated part, to wit, in the beginning of his reign, though he had at the same time in his exchequer what was equivalent to seven millions sterling now, and was in peaceable possession of his throne, and had no particular pressing occasion to please his people. How much more necessary is this measure to regain the people's confidence and affection towards an exiled prince. The author of this history (my Lord Herbert of Cherbury) professes in his epistle dedicatory, great deference to kings; and that the king (to whom he dedicates his history) had lustrated by his gracious eye, and consummated by his judicious animadversions, all the parts of that history, as fast as he finished them. And therefore this instance ought to be of great weight with every body, even with those Jacobites you talk of. It is a royal, as well as my Lord Herbert's, History of Henry VIII.

I am not ignorant that this King Henry VIII. is brought as an instance of a king that could pull up foundations, and do what he pleased; but there was a strange concurrence in his time to help him in the business he was doing, and he did it by parliaments, and often used palliations; and perhaps if a man looks observingly upon his life, he was but the head of the rabble-rout; and that neither he nor the people knew what he would be at. It was an age big with changes; and his greatest exorbitances fell upon a sort of people who were wearing into disesteem, or were of a more private nature. Besides, he began his reign with a wondrous good grace, and he sacrificed now and then a minister; and what he took from the church he divided amongst the gentry and nobility. But, after all, I will own, there are some periods of his reign wherein the prince went farther and faster than the people, and he had the good luck to do strange things by incomprehensible ways: For my Lord Herbert of Cherbury (as judicious and sharp-sighted an author as he is) seems to wonder, and not to understand all the occurrences of his reign. His beginning it so condescendingly, makes it less a wonder, that the people were a great while apt to put good constructions upon what he did afterwards. He gave up Empson and Dudley merely to their rage; and Wolsey's fall was pleasing; and, as I just now intimated, he was more sacrilegious towards the church, which was then going down with the people, than he was otherwise oppressive.

The next person I will introduce shall be Queen Elizabeth, whose speech in the forty-third year of her reign, occasioned by complaints against monopolies, is so excellent, that I think fit to transcribe it at length; though I will not commend the san-

guinary laws she made in matters of religion, as well against Brownists, &c. as papists, no more than I will many other parts of her reign. I have often wondered why mere church of England men cried out against, or whigs so much extolled her, ten or twelve years ago, for she was a mere church of England queen: But, I protest, I know not how enough to commend this speech which she made to her parliament; I wish every body would peruse the context of it in Camden; but the words of it are these:

"We owe unto you special thanks and commendations for your singular good-will towards us, not in silent thought, but in plain declaration expressed; whereby ye have called us back from an error, proceeding from ignorance, not willingness. These things had undeservedly turned to our disgrace, (to whom nothing is more dear than the safety and love of our people,) had not such harpies and horse-leeches as these been made known unto us by you. I had rather be maimed in mind or hand, than with mind or hand to give allowance of such privileges of monopolies as may be prejudicial to my people. The brightness of regal majesty hath not so blinded mine eyes, that licentious power should prevail more with me than justice. The glory of the name of a king may deceive unskilful princes, as gilded pills may deceive a sick patient; but I am none of those princes, for I know that the commonwealth is to be governed for the benefit of those who are committed, not of those to whom it is committed; and that an account is one day to be given before another judgment-seat. I think myself most happy, that by God's assistance I have hitherto so governed the whole commonwealth, and have such subjects, as for their good I would willingly leave both kingdom and life also. I beseech you that what faults others have committed by false suggestions, may not be imputed to me. Let the testimony of a clear conscience be my absolute excuse. Ye are not ignorant that princes' servants are now and then too attentive to their own benefit, that the truth is often concealed from princes; and they cannot themselves look precisely into all things, upon whose shoulders lieth continually the weight of the greatest business."

I cannot but observe, before I go any farther, that this queen was not willing to take upon herself the faults of her servants; but, on the contrary, gave them very hard names. I must observe likewise, that commonwealth was no odious word then, for she calls the government of England so twice in this speech; and in her time Secretary Smith wrote a book of our government, to which he gave that title. This was an age wherein majesty could court, and ministers affect to be patriots of the people; and yet prerogative did not lose much ground, although it sometimes yielded.

But I will come nearer to our times, as far as the union of this island. Sir Francis Bacon advised King James the First (as you may find in his *Resuscitatio*) to amend by consent of parliament some of our laws, and to expunge others, especially penal ones.

He quotes a learned civilian, (though he does not name him,) that expoundeth the course of the prophet, *pluet super eos laqueos*, of multitude of penal laws, which (continues he) are worse than showers of hail, or tempests upon cattle, for they fall upon men.

He goes on, There are some penal laws fit to be retained, but the penalty too great: And it is ever a rule, that any over great penalty (beside the acerbity of it) deads the execution of the law.

He says also, There is a farther inconvenience of penal laws obsolete and out of use; for it brings a gangrene neglect, and habit of disobedience upon other wholesome laws, that are fit to be continued in practice and execution: So that our laws endure the torment of Mezentius; the living die in the arms of the dead.

I chose to express my Lord Bacon's words; but I will add to what he has said a farther inconvenience that I myself have observed in the reading of histories, which is,

that the revival of obsolete powers and obsolete penal laws, have not only proved a snare to the people, but given kings too often an handle to fall into such measures as have proved destructive to themselves. Powers in a crown, that are wholly unfit to be exercised, are only temptations to oppression and misunderstanding. Knight-service was once a very politic tenure: It was once fit, before the several people of this kingdom were mixed and civilized, that whoever was born upon a lord's land, should be brought up under his care; and that no woman that held land of any lord should carry her estate to any man that was an enemy to that lord. Yet in King James the First's days, the same Sir Francis Bacon, though then solicitor-general to him, in a conference with the lords, by commission from the commons, made a speech to persuade the lords to join with the commons in a petition to the king, to obtain liberty to treat of a composition with his majesty for wards and tenures. This was in the seventh year of King James's reign, in halcyon days. This speech is in the thirty-fourth page of my Lord Bacon's *Resuscitatio*, and worth any man's reading. He therein proposeth, in recompence of the revenue of tenures, a more ample, a more certain, and a more loving dowry: loving dowry expresseth admirably well, that kings should be willing to change any part of their revenue for what may suit better with the people's inclinations. But I won't make remarks upon this speech.

The next paragraph speaks of the nature of those things, and how it is changed with the times. *Vocabula manent, Res fugiunt*, are his words.

And the next paragraph to that says a great deal more in these two axioms, *Naturæ vis maxima, et suus cuique discretus sanguis:* For restoring children to the care of their most affectionate relatives.

I come to the reign of King Charles I. and must say, that the strained use of some powers and prerogatives, for which the flattering lawyers had some dark semblance of authority in our law-books, gave the fatal rise to the late civil wars, which ended in the horrid murder of that king; and when King Charles II. was restored, though the first parliament he called will be allowed by every body to be sufficiently devoted to him, yet he therein, when they were under the greatest transports and raptures of loyalty, passed many acts that plainly own the great inexpediency, if not illegality, of several things done in his father's days, and secured us against the like abuses hereafter; and had he lived, he must have owned that he himself had carried the *quo warrantos* too far, or he would have sate uneasy; and those very men that were instrumental in quo-warranting corporations, did every where declare that regulations, which, (however illegal I take them to be in themselves, how much soever I think them a fanatic Rowland for the church of England Oliver, yet I think they were agreeable to the powers the crown reserved to itself in the new charters,) I say, that those very men that were instrumental to the quo-warranting corporations, did every where declare, that the regulations in the succeeding reign made the very legislative power insecure, and resolved all our government into an absolute and despotic rule. Questionless there should be some to punish the abuses in corporations; but the penal laws that are against corporations have perhaps annexed to them too great a penalty: perhaps it would be better to punish the persons that offend, than to fall upon the poor innocent charter. I would have the body corporate be able to do no wrong, though the members may.

But it is not my business in this place to propound the remedies, but to shew that it is lawful to make, and that there used to be made, and that there ought to be reformations now, as well as there have been formerly. And I hope I have made it plain, both from our histories and statute-books, that civil infallibility was not formerly an article in our politics, nor has it the universality on its side; nor will any party abide by it, unless for personal ends, or when it serves their own party. The papists did not believe it in their days; the church of England did not believe it when his majesty was amongst us; and the fanatics never pretended to believe it. Thus you see my

thoughts; and, as different as they may be from the Williamites that have deluded, or from the Jacobites that have affrighted you, I defy any of the one to be readier to hazard themselves for their country, or the other to venture farther for the service of King James. All I desire is, that the king may have for his motto what the sincere historian says of the two best emperors of Rome. Tacitus his words are, *Divus Nerva, et Divus Trajanus, res olim insociabiles miscuerunt, imperium et libertatem.* And may the remainder of King James the Second's days give yet leave, after he has lived long here, to write upon his tomb, *Divus Jacobus Secundus*, &c. *Res olim insociabiles miscuit imperium et libertatem.* I would have the king consult his own honour; but I think he does it best, when he considers well and thoroughly of the liberties of the people. I allow that maxim to be true, *Principum actiones præcipue sunt ad famam componendæ.* But no English king will preserve his memory grateful in the records of time, or his name dreadful in foreign courts, who is not beloved by his people; and none will be so that does not carefully fence, and inviolably preserve our rights. We have been a people always jealous of our rights, *tenacissimi libertatis.* The word conquest is often met with in our common histories, and misleads our common readers; but though our nation has been often stormed, our essential laws and customs were never carried. The Romans governed us, in great part, by our own laws, and the wisest of their lieutenants found we were more easily governed by gentleness and justice than by force. The Danes made no alteration in our constitution; and the Saxon and Norman invasions ended in treaty; and the Saxon government was homogeneous to our temperament; and when William (called the Conqueror) would have introduced the customs of Norway, the people neither would, nor did receive them. If a man reads histories to understand government, he must observe many things besides the tale of them; and whoever looks into our antiquities, will find the footsteps of our *liberties* are as ancient as of our being. But to return to what I was saying some time since; I would not injure my country for King James, nor would I injure King James for my country. I think your party wicked, and I fear too many Jacobites are weak: They are weak by fantastic notions, and violent aversions, and personal, party, and church quarrels. But I would rather lament than expostulate too freely, and I desire nobody to serve King James but on the principles of making him the father of his country: I once again assure you, I neither do nor will upon any other; and were he reinstated in his throne, if he pursued partial notions, and ungrateful measures, I would rather make a vow of voluntary exile, than accept the best employment that a King of England has in his power to give: I have many times told him so. And farther, I would always advise him to take into his business popular men, and to let them serve him by the methods that made them popular: But at the same time, I say, I would advise him to forget as well as forgive all our miscarriages. I would have a perfect act of oblivion from him; and I would have the people pass on their part so entire an act of oblivion, that they should not gall any one man for what they did amiss in his reign, or under this usurpation, on condition they testify their repentance by their amendment of life. Though Henry IV. of France (so justly called the Great) was in his absence arraigned and condemned to death, and executed in effigy by harquebusses, and this by the votes and order of the parliament of Thoulouse, yet, notwithstanding he recovered his kingdom by force of arms, that great and excellent king did not in the least revenge their traitorous and rebellious usage; by which generous as well as politic carriage, he added to the conquest of his country the conquest of the hearts of all his people, reconciling at once all the animosities and factions which had been the product of near forty years civil wars. Let a new face of things arise likewise out of our state-chaos. May the king govern with that equal hand, that merit may be rewarded, and nothing but vice in disgrace; that those may be thought to serve him best, that most serve the general good; and let it be a crime, as well as ill manners,

to revive any of our old distinctions; let there be no distinctions upon the account of ecclesiastical or civil faith; and let obedience and allegiance to the civil power be the only test for preferment. You know, my friend, I am no papist, though I am for a civil comprehension: And as falsely as your Irish Dr King has traduced his majesty for what he did in Ireland, I am told one thing for which his wisdom and goodness can never be enough commended; and that is, that he required no oath from any one man that served him, but trusted to their honour and their interest, rather than the obligation of oaths, being sure an honest man would do his duty without them, and being also convinced, by a late and sad experience, that they never bind a knave. And thus he truly made himself the king of all persuasions.

The discipline of the Lacedemonians was positive, that every man should keep his rank or die; yet they never put an oath to their soldiers: Shame and honour had more power over those brave minds, made them even scorn death, (which is the greatest trial,) had a more infallible effect upon them, than we can pretend all oaths have upon us.

Notwithstanding this short remark about oaths, I am neither quaker nor sectarian; therefore a hint is enough from me upon that subject: But from the several heads of discourse I have handled, methinks I find myself under a necessity of clearing, at least, briefly three things, and I will do it as briefly as I can.

The first is, That those that are both zealous and jealous for liberty and property are more in number than those that are for the straint and stretches of prerogative.

I find there is a vast and unlucky mistake in the computations of some people, and that by reason that they do not distinguish between the state and religious whig. I allow the fanatic whig, or those that refuse to come to our communion, are not perhaps the twentieth man in England; but there are very great numbers of men who never went formerly, nor do now go, even by reason of their principle, to any other church but the church of England. There are likewise many others who are not at all bigotted to any particular form of church worship, who yet mostly, if not altogether, go to the church of England; and yet both the one and the other of these are as much, or perhaps more nicely whigs in civils than are the fanatics, though not so generally called so: so that there are church of England and latitudinarian, or (as the Scotch call them) erastian as well as fanatic whigs.[1] Now let us consider what interest all these three sort of whigs have in our affairs; what influence they have over them; and you will find by matter of fact, that these many years last past, they all joining upon a civil bottom, have all along been too hard for that which is the church of England, as it is contra-distinguished to the whig. They were fatally so in King Charles the First's time. But to bring things within all our memories and observation, the three last parliaments in King Charles the Second's reign is not an improper season to calculate their interest and influence; for then they chose before any illegal or unwarrantable tricks had been played by either side with charters, and if the nation was inflamed by a popish plot, I am sure the court leaned wholly to the high prerogative church of England. Then you see that the Bill of Exclusion (though it was an excessive and exotic rant, rather than a natural effect or production of whiggism) was carried in the House of Commons, and that though almost all the members were church-goers. But I will shew you yet by a later instance, that state whiggism runs through this nation. All those that are for this government act upon that principle, and lay aside the passive obedience and prerogative notions of the high church of England-men: notwithstanding that they keep up the episcopal order, the pomp, ceremony, and discipline of the church of England. And whoever will turn out a king

[1] This is perhaps the earliest distinct notice of whigs, as a party in the state independent of opinions as to church principles and government.

for mal-administration of his ministers, will never receive him without a reformation in the constitution: They will be state whigs, though they do not call themselves so. It is for liberty and property that these men struggle, though they do not know how to name their own actions.

The second thing that seems necessary for me to clear is, That it is necessary to give a liberty of conscience; and that these assertors of liberty and property will be for liberty and conscience, and be able, upon the king's giving good securities for our civil rights, to give in exchange of them an impartial toleration. I will not dispute the inconsistency of persecution with either the christian or moral law; nor will I take pains to prove, that where a nation is greatly divided into sects, it is the interest of that nation to give every body leave to worship God in their own manner; but I will shew the likelihood that the state whigs should and will exchange religious liberty for civil security. And now I must again carry you back to the beginning of the late civil wars, and then you will find, because the church of England would not give liberty of conscience, the state whigs set up presbytery. The next consultations I must make you acquainted with, are the debates of the above-mentioned three last parliaments of King Charles the Second, and you may easily recollect they were for liberty of conscience to all protestant dissenters; nay, they made some votes that were thought extravagant in their favour, some suspending dispensing votes; for they resolved it as the opinion of that house, that it was contrary to the interest of the nation to put the laws (which were then in being) in execution against them: But you will say, they did not vote as much for the papists. You must consider the season. Besides that, the papists have been esteemed errant courtiers ever since the Reformation. The parliament then thought they had a popish plot on foot; they thought that plot was not a plot for liberty to worship in the popish way, but to introduce popery, by the destruction of all our civil and religious liberties. You know at the beginning of my letter, I charged my country with national intoxications: We can at some times believe invisible pilgrims, black bills, St Jones's gridirons, and that three thousand Irish can massacre all England. And when that popish plot was prosecuted so violently, the generality of men looked upon the papists as banditti and misanthropi, in relation to the protestants; they looked upon them as the partizans or janizaries of the court, propagators of civil as well as religious superstition and idolatry. And if these men had a mind to ruin the papists at that day, it was not because of their prayers and beads, but because they thought them enemies to our constitution, not only from their dependence upon the Roman see, but for a mischief that was nigher at hand, their excessive flattery of the court and crown; whereas the dissenters, being avowedly tender of liberty and property, were not only favoured by all those parliaments, but influenced great numbers of those who were not of their own communion at the respective elections of each of those parliaments: so that the principle of liberty of conscience was perfectly prevalent, though they held a strict hand over the papists, out of the principle of self-preservation; and consequently, a truly chosen parliament will make the papists Englishmen where they find them so. In farther proof of this last assertion, I must beg you to remember how King James's declaration of indulgence was at first entertained. I know the universal joy with which it was first received lasted but a little while; but know that though the whigs misliked that it should be put out upon a dispensing power, yet believing it a preface to comprehensive measures and latitudinarian politics, they forgave that blemish in its birth, and every where so unanimously embraced it, that those narrow spirits of the church of England, who had a mind, were ashamed, if not afraid, to oppose it. Liberty of conscience would have made King James the Second memorable and glorious in our histories, had not Sunderland's artifices, such speeches as Mr Alsop's, and such pamphlets as, "Can there

"come any Good out of Galilee?" spoiled the noblest project any English monarch ever set on foot, which was, a separation of religious from civil interests.

I confess we can make popery a bull-beggar when we please; and that ought to teach the papists moderation; but the liberty-and-property-men can also call off the mob when they please: For you see at this time the nation finds no fault with the emperor's and the Duke of Bavaria's idolatry; no, nor with the Spanish inquisition, whilst they fancy (though wildly and falsely) they are by their help supporting their own civil rights. They fall not upon the papists here, that they may not displease the confederates abroad; so that popery is not so dreadful as property and privileges are dear and charming.

And now, since I have been proving that interest governs the world, however men may mistake what is their own interest, I think myself obliged, in the third place, to show that it is the interest of the king, and every sort of men, that he should be restored upon civil securities; and that it is not the interest of the king, or any sort of men, to endeavour that the restoration should be put upon any other foot.

Whilst I show that it is the king's interest, I shall answer the objection of those who say the whigs won't think their properties and privileges sufficiently secured, unless the king part with some of his prerogative. I am sure whilst he is dispossessed he has no prerogative, or at least no exercise of, and benefit by it; and the chance of war is too doubtful to know whether he shall have any, unless the people please. He is outed of his estate, and can in all probability only have it upon composition; which if he will not make with us, the nation will try to the last to keep the possession; and it has those "eleven points of the law." Nor are all things prerogatives that flattering lawyers have called so in Westminster-Hall, and some well-meaning, and other self-designing clergymen, have believed so in their closets, or preached for as such in their pulpits. They can see farther than I, that expect to do any thing without an accommodation. I think it impossible he should be restored, or were he, that he should keep his throne without it. I think it impossible for one man to govern the people of England, unless they have a mind he should; and they will never have such a mind, unless he sometimes gives way to their impetuosities. But farther; his age, and the minority of his son, are the highest inducements imaginable for him to endeavour to leave a settled government, to "quiet the minds, as well as suppress the insurrections of the people." There is likewise another reason, why as a man of conscience he must be yielding; for he cannot but be willing that his son should be educated in his own religion; and if he will let the kingdom be secure of their own religion, and of their own laws, notwithstanding that the crown should be of one religion and the people of another, I am satisfied that the people of England will be little solicitous which way our kings think the best to heaven. This has argument, as he is a religious man. But I must again enforce condescensions, as the interest of the king under a natural consideration. Good securities will make the nation own the legitimacy of his son more than all other proofs; and without good securities there will be pretences that his birth is disputable; (though I affirm it impossible for any thinking man to question in his own mind the Prince of Wales's being born of the queen's body). Compliance with the people made Queen Elizabeth's title unquestioned; so that those that flatter the king with his right, and seem to despise our rights, take the most infallible course to destroy both the king and his posterity.

I need not have said one word of this matter, to inform the king's judgment; for he is in that temper in which his subjects wish him, and that would satisfy a parliament-house, were he to receive their petitions and addresses, to stamp their votes, and to end our disputes. I do not speak this by guess, but am convinced of it by many discourses I have had the honour personally to have with him since his misfortunes; and the letters I have had from several of the best hands since I left his court, confirm

me he remains in the same opinion. But I thought it was necessary to say something of this sort, to set before those Jacobites you complain of, the interest of the king in the truest light.

As for the whigs of all sorts, every body knows that they will find their account in a restoration upon civil securities, and that no other restoration will please them: So that I will not labour that matter at all, but hasten to show that it is the interest both of the church of England and catholics to promote such a restoration.

The church of England is not secure that she shall be continued the national church, so long as there is unlimited and unexplained dispensing power; and she saw *quo warrantos* could produce regulations, and so I might go through other things. And the ministers of a catholic king may again mistake in the exercise of his power, if the boundaries of the administration are not plainly chalked out; and whilst the church of England appear enemies to liberty and property, they will lose their interest with the people; and the next revolution will conclude in presbytery and a commonwealth; for popery wants numbers to establish itself; though some of the members of that communion may have vanity enough to hope to establish it: and if the church of England do not join in civil securities, nay, if there should be a restoration without them, those catholics (though it will be to their certain ruin) may be able to do enough towards it, to make the church of England fall, and the presbyterians get all in the scramble. And though the presbyterians have an odd hankering after a king, yet, after they have been bit once more, they will become tuneable to a democracy. Nothing can destroy the church of England but their opposition to the liberties of their country, or to liberty of conscience, or their closing with comprehension.

It is a little light, but however I will set down what I have often heard said concerning it by men of very large minds. They have said, That if the members of the church of England were as good-natured as the constitution, it is the best-bred civilest national church in Christendom. I set it down as a light expression to be used concerning church-affairs, and yet there may be instruction in it: for I believe its civility, if it does not make too extravagant compliments of our liberties, will for ever make it stand; but if our liberties are not well guarded, that may be pulled down, and presbytery will be set up.

As for the Roman catholics, I think it is in the highest degree improbable that the king should ever be able to come home by conquest, and yet more improbable he should be able to stay here upon that title, (if indeed it is one in a natural king): And if the catholics would in all places declare for civil securities, I think this is the properest opportunity for their incorporation. Our having been in confederacy with princes of that persuasion, has made us capable of allowing fair quarter to those catholics that are here. We can follow our interest, notwithstanding our old grudges; and if the catholics will come to a temper, we are enough in one to embody them: Whereas, should not the restoration be in the life of the king, the Prince of Wales would be fetched home upon a mere church of England plot, and the proofs of his birth will be authentic, and without dispute, during his non-age, and till he has disobliged us; and the church of England-men will, in point of religion, carry all things before them, as far as is in opposition to popery; he will be bred up a protestant, and must, in proof of his being so, consent to any farther laws that the church of England will think necessary to secure their church against popery: So far will it then be from repealing the test, or even the penal laws, in relation to catholics. And the church of England, whilst they may have their church secured, will, during the minority of the prince (before flattery will advance to preferment), agree with the liberty and property-men for any good and wholesome laws; and the protectors of young princes must give way to the importunities of the people. Now the catholics will not have an op-

portunity to bribe us by civil securities; the church of England will remember all those mal-administrations of his ministers, for which they turned out King James; and will say it was the papists hindered us from being redressed against them. And the whigs will throw it in their dish, that they offered them friendship upon legal establishments, and that they did not cry out upon the declaration for indulgence, though founded upon a dispensing power, till the Roman catholics flew, or made at least an appearance to fly, at several of our most invaluable rights and privileges. The whigs will say the papists doated upon French power rather than national restoration; nay, that they slighted the last, and have every where declared against the king's coming home upon terms, concessions, reformations, and amendment of our constitution; though, unless they had intended to exercise a Danish lordliness over us, their own welfare must have been concluded in every thing that made England happy. It matters not how unjust these accusations will be: It is a true, though a coarse proverb, "It is easy to find a stick when one has a mind to beat a dog." Is it the first time that we have against you believed lies? I neither am, nor I hope to God ever shall be, a Roman catholic; but I have such bowels towards all mankind, that I seriously protest I have such melancholy bodings for the Roman catholic party, I foresee such a period of calamity (according to human reckoning) falling upon them, if the king is not restored by great compliances with his people, and in his own person, that it has given me many a painful thought; and I must confess I am infinitely concerned for many excellent persons of that communion, who deserve better than to be made a sacrifice to our rage and madness, who deserve all the benefits of fellow-subjects. The whigs and church of England-men will come to a compromise at that day; but in all human appearance it will be a dreadful one to the catholics. Now they have an opportunity to be incorporated with the protestants; but if they do not make use of it, they may be pitied, but no man will, in all probability, be able to help them. *How universal and catholic soever* their religion may be in other places, I am sure they are fanatics in England under a civil consideration; and therefore that they have all the reason in the world to be state-whigs, and as such only will be ever impartially used by us.

I think nothing that I have said has depreciated the doctrine of passive-obedience. I do not pretend to determine who is in the right in that controversy, much less to handle it as a religious one: But give me leave to tell an admirable story concerning Dr Colvil, a great man in the kingdom of Scotland, but one that was thought not to understand clearly the principle of non-resistance. The late Earl of Middleton having him once at dinner, asked him, "Whether there could be no case in which defensive arms were lawful?" The doctor replied, "It was fit for the people to believe them unlawful, and for kings to believe them lawful." It was an admirable repartee upon a sudden question: But perhaps, had he thought of it, he would have said likewise, "That it is fit for the ministers of kings to believe them lawful too;" and I presume the present Earl of Middleton set down that additional instruction to the apothegm. For though, to the eternal shame of the judges who now sit upon the King's Bench, they violated our laws in the continuance of his imprisonment, it must be allowed, for his everlasting honour, that that noble lord was as cautious of making the law the limits of his ministry, as if it were lawful to rise up in arms whenever the laws were broken.

But I must answer your postscript, wherein you tell me, that you neither know how the king can be restored, now the Prince of Orange is in possession, nor what will become of the Prince of Orange if we should restore the king; nor what security we could have from any conditions the king could make with us. I answer, that if the Prince of Orange is not kept in possession by Englishmen, he may soon be brought to reason; and I do assure you, that there are many Jacobites that desire rather to see the Prince of Orange return to his station of stadtholder again in Holland, than wish

him any personal injury. And as for the security you require for any promised conditions, you must forgive me if I think you a little insincere, if not trifling, when you place so much weight upon the pope's giving King James an absolution for any promises he should make. You might have said this artfully to the mob; but you cannot suppose that I would believe you were in earnest, though you make such a clutter with it. I allow, as you say, that our histories tell us of some kings that were absolved by popes; but you know that bulls, absolutions, and the pope's excommunications, were like to go farther with the nation in popish times, than they were like to do now: And yet by your very instance of King Henry the Third, you might be convinced that the people of England never would, even then, let a king be at rest, till he had performed his promises. I will not write a long confutation of a thing that I know cannot stick with you, or any wise considering man: And besides, I do not go about to persuade you to take up with a constitution, that will depend either upon a king's temper or religion, honour or veracity. Make a government that is easy to all, and it will be the interest of all to preserve it: But if you would do so, you must bring the right line into it; you must nicely preserve the church of England as the national church; and yet you must remember that the kingdom of heaven is not of this world: You must take care, in your civil compacts, that priestcraft does not spoil all at last: You must take care even of a protestant, *in ordine ad spiritualia;* and let the tares and the wheat grow up together. But farther, although you have such wild accounts concerning the Jacobites, there are amongst those that serve King James, men that know what you are a-doing; that know you are looking far and near for a deliverance; that know how impotent you think the Prince of Orange is to rule; how that you despise him, as much as the nation misliked Richard Cromwell before the Restoration; that know your extravagant projects, and more temperate thoughts, and yet have accounted for all things; and will, as things ripen, find ways to give you satisfaction, if any thing will. We know that Maud the empress, even when King Stephen was a prisoner, and though her title was indisputable, and though the nation was all catholics, lost the crown, because she was refractory and haughty, and denied to the Londoners Edward the Confessor's laws. And I assure you there will be men that will lay before the king the necessity and wisdom of giving satisfaction to all your reasonable demands. If you do not ask too much counter-security, things unfit for an English king to grant, there are Jacobites that will not only deliver, but second your petitions. A good and settled monarchy you may have; and a commonwealth is scarce practicable, will be hazardous at present, and cannot be lasting.

I know there are some amongst the Jacobites, who are otherwise men of great honour and worth; and yet suspect every thing, such as you promote, is to make the king a doge of Venice: But there are others who have compared and taken in pieces, and viewed in parts, all the models of government; who, if you would rectify, and not change either the name or nature of ours, will receive very kindly any thing you offer, will instruct you how to make it palatable to the king, and shew him how consistent it is both with his honour and his interest. Let the manner be decent, and your propositions allow King James to have the balance that an English king should have, and must necessarily have in our constitution. And I assure you many of the Jacobites know no other but such an English king to be our supreme head and governor.

But, after all, if King James is called home by the nation, we need no other security than a well-chosen parliament. The present parliament may call him home when they please, without any other force but their own denial of money. And the king's being of another religion will in some measure check the effects of a revolutionary joy, and prevent our excesses. And if sober and honest men would in all corporations (instead of all other projects) instruct all the populace, that all those that drink upon their member's cost, hazard being slaves for that draught; and that it is time seriously

to take care of themselves and their posterity, by chusing men of virtue, rather than the favourites or the factions of any opinion, whether they are *jure divino*, or original contract-men; men that are as well loyal to their country as their king, and to their king as their country; men that have good nature, estates, honesty, sense, and moderate minds: Such a parliament would be an healing parliament, might not only end, but take away all occasions for strife and changes. And establishment, virtue, and liberty are a nobler happiness than excessive riches, pompous buildings, and all the other glories that a people can possess. How is the excellency of the Spartan institution every where and every day applauded, though all their pleasures seem to be nothing else but hardships and self-denial? But we may add plenty to our peace, increase our trade and our strength, and by our naval force, and a perfect union amongst ourselves, be again considered as the arbiters of Europe.

But I am unawares launching into a spacious subject. It is time to conclude. I wish all Englishmen would consider how to do it; and I wish there could suddenly, before we are undone, a method be found out to reconcile the king and his nephew, and all his children, both natural and national; a method found out to adjust all our interests, and bring us all to our respective duties. I beseech God so to order things, that all sects and sorts of Englishmen may think it a national good to restore our king. I have read our annals, I wish every body had. Could I here delineate the scars and wounds, the bloodsheds and distresses, that the violation of the hereditary title (which will hover over all usurpations, and all forms of a commonwealth,) have cost the poor people of this nation; could I paint out the executions and extinctions of noble families, that the wars between the two houses have occasioned, they would represent but an horrid prospect, a doleful scene.

"Oh, blessed God! visit not this land for its iniquities with destruction; but in judgment remember mercy. Let righteousness and mercy restore him to it, and on them establish the throne of thy servant James; teach him to go in and out before this great people, which (by our laws and oaths, and his inheritance,) thou hast committed to his charge: Let his children honour, his subjects obey, and his nephew be just to him, and God be glorified, be still glorified in his and our wonderful deliverance; that wickedness may no longer prosper, but peace return to us and our children's children, to all generations, *Amen, Amen.*" And God put it into the hearts of all his subjects to say likewise *Amen* to this national and honest prayer.

I find that my letter has grown under my hands; but if it tires you, you must thank yourself that you started so much game; a great deal has risen before me in writing that I have not followed, though I hope I have writ enough to let you know that whatever spirit you find some Jacobites in, yet there are others that cannot disgust a reasonable man; and also that I am the same Englishman you ever knew me, as well as,

Sir,
Your affectionate friend,
and faithful servant.

Postscript.

The letter I sent you last August, being shewn to some that are yours as well as my old friends, and more so to England than to either of us, it was, at their importunity, sent to the press, soon enough to have been published long before the parliament met; but when part of it was printed, the rest was stopped by some accidents that are not so proper to mention, and therefore some few expressions of it may not be altogether so

seasonable as they were when I wrote it to you, (since the money is now given,) however, I hope in the main it may be of some use. And now we have begun this scribbling conflict, I desire that in your next you will let me know when you can reasonably suppose this war, and consequently taxes, will end? And whether, if the confederacy should break before you have thought fit to restore your rightful and lawful king, or the French are more humbled (as you call it) than they are hitherto, we should not indeed run a greater risk of our liberties for the present, (after such a continued provocation of the king) than either you or I, or any good Englishman, could wish to see? Tell me likewise whether those that are not of our army or fleet, cannot, if they have a mind to restore the king upon a national foot, influence those natives that are in both, to restore King James, as the old army did his brother. You have read history, and know that an army of natives follows the inclinations of the inhabitants; you know the real power your party has in the nation; and that it is not the tories who have broke in upon their own consciences, but you who have forsaken your understandings, that keep the Prince of Orange (as much as you every day ridicule him,) from being sent for good and all to Holland; and though you do not know how to make him either value your persons, or see his own interest, yet you can soon find ways (notwithstanding your own latitude) to make an English army reflect upon their oaths and obligations to King James, and their usage under this man; nay, you cannot but know they begin themselves to have these reflections, and therefore with very little pains you may prepare them nationally to restore the king, which if they do (with all due regard to him be it spoken) he is, as it were, in our power, and he must grant those concessions we really want; and where a king, whose title is indisputed, frankly hears advice from a duly elected parliament, the genuine and united sense of the nation may be gathered up, and a natural cure given to all our troubles, and only *from thence can come an impartial settlement.* Think of these things seriously, and let not the discourses of such Jacobites as you complain of, (who have as little interest with the king as you say they have with England,) either give you disturbance, or make you any longer willing to undergo worse things under this usurpation, than you can have any just reason to fear, if the king returns; especially, if you yourselves restore him. Besides, I must tell you, I have good reason to believe the King of France himself (with whom you fright the mob) is not politically an enemy to a limited momarchy in England; and that he will agree to a reasonable peace in Europe, if the restoration of King James is made one of the conditions of it; and that he will not be brought to any peace unless we restore him, how much soever the Prince of Orange has flattered you, that (instead of the vineyards and spoils of Paris that he seemed to promise) "he will bring him to an honourable peace." I will only add, that whereas some of your party do now, as you did formerly, raise malicious and unjust calumnies upon the queen, I am fully satisfied that she is as desirous the king should comply with his people, as the noblest and nicest patriots could be, were King James upon the throne: She has a mind that the struggles between the crown and the people should be adjusted, that so the succession of her son may be secured. Think of all this seriously, write me your mind freely, and act as becomes a true lover of England. Be not over fond of your own creation, as a Williamite. Meddle not with those who would yet farther change the name and nature of our government, and then (fiercely as you are so now) be anti-jacobite as long as you can. Once again, adieu.

The People of England's Grievances offered to be enquired into, and redressed by their Representatives in Parliament. By Sir James Mountgomery.

Sir James Montgomery was a Scottish gentleman of distinction, endowed, unfortunately for himself, with those versatile and active talents which distinguish their possessors in times of general and public commotion. He was bred a whig, and had been active at the Revolution, but afterwards espoused the cause of James II., whom he had laboured to dethrone. After a year or two spent in intrigue and pamphlet-writing, he became deeply involved, both with the more violent presbyterians and with the Scottish Jacobites, in a plot for domestic insurrection and foreign invasion. Finding that the matter was likely to take air, he anticipated discovery by making a partial disclosure of the plot to the ministers in Scotland, and finding himself called upon to purchase his pardon by bearing witness against his associates, he rather chose to withdraw from Britain; and spleen and vexation soon afterwards ended his turbulent life.

THE present government, under which we expected so much happiness, doth so sensibly decay in the good opinion and affections of all sorts of people, that nothing but the timely help of the approaching parliament can prevent those dangers which otherwise the general want of affection in too many men of all ranks seem to portend unto it.

On Monday, the first day of the term, Westminster-Hall was filled with loud complaints and threatenings against the great men, for imprisoning peers and commoners contrary to law. One brave peer, whose great years cannot abate the fervour of his juvenile courage, by which he rendered himself so famous, and ennobled his posterity, spake aloud against foreigners and foreign counsels; his share in the government could not prevail with him to hide its defects and wrong measures, to the astonishment of the hearers. And the very same day at the Royal Exchange, as if the citizens had been acted with the same spirit of discontent, they talked loudly of their losses by sea, and the mal-administration of the navy, cursing the Dutch, and reciting their losses since the revolution, to the value of several millions. The two or three next days following, and ever since, we have heard our seamen bitterly cursing in the streets for want of their pay; and our land-forces, newly arrived from Flanders, cursing as bitterly for their ill usage there: Nay, the very officers that are come from thence, and some of them members of parliament, curse the Dutch as bitterly in private as their soldiers do in the streets. They tell us, without reserve, of the unequal treatment abroad of them and the Dutch; these are paid, while they and their men scarce have subsistence; and yet they must be called out to fight the battles, in truth, of the Dutch, who stand looking on, and must not come to their relief.

The common people are also querulous in almost all places; they complain aloud of the weight and number of our taxes; while books are written, complaining of the mal-administration from the first oversight in not relieving Ireland; as also of the loss of so many brave Englishmen for want of being relieved and succoured at the battle of Steny-

kirk; as likewise the miscarriage of the descent. From these books, and the free discourses of such true patriots as wrote them, the nation is perfectly informed how empty we are left of stores and ammunition, by the consumption of those King James left, to the value of thirteen hundred thousand pounds, and by sending abroad great trains of artillery. By them we come to know that foreign commodities are risen 30 per cent. and that ours are fallen 20 per cent. That great numbers of land-men, natives of this kingdom, were pressed against law, and the liberty of the subject, for sea-service, and sold into Flanders against their consent; that our best coin is exported into Holland and Flanders, and a great part of it there clipt and demolished; and that our forces are there abused with the change of our guineas, which have escaped melting down. That above two hundred thousand Englishmen have been lost by the war since the Revolution; and that the government hath spent above two and twenty millions, and (as pretended) is six in debt, or thereabouts. That parliament men have been closetted of late, and that in Flanders as well as England. That conspiracies and associations have been forged against peers and commoners; and the forgers of them, though so palpably detected, not prosecuted till lately, that the parliament was ready to meet, who had voted that the attorney-general should proceed against Fuller. That a free-born Englishman hath been tortured in Scotland by order from England, against all law and example; and also against law confined, and so continues without new evidence, after he had endured torture. That men of all degrees are injured and oppressed more than ever, with enormous and excessive fines and bail, against the articles of government. That places of trust, both civil and military, are sold; and that the kingdom is full of foreign forces, to the terror of our own people. That the publick monies, given and designed solely for the defence and preservation of the nation, have been misapplied, of which, though many instances might be given, I shall for brevity sake only instance in one. It appears by the publick accompts delivered into parliament, that two thousand seven hundred and fifty pounds were paid to the Earl of Sunderland, one excepted out of the act of grace; and to whom the nation is only indebted for the dreadful calamities (the effects of his management and advices) which have befallen it.

These things, and many more which might be recited, have bred in many an indifferency for the government, who were before well affected to it; and others dislike it to that degree as to wish for a commonwealth, or any thing that might give them ease. It is the great zeal I have to prevent the ruin of my country, as much as lies in my single capacity, that makes me write this short summary of our grievances, and set it in the view of our representatives, who are only capable to make an effectual enquiry into the true causes of them, and remove them. Some of them indeed are apparently the causes of others; but there is undoubtedly some general cause or causes of them all: And if the voice of the people, by which I understand people of all ranks, speaks truth, Dutch counsels and Dutch measures of acting are the true source of all these mischiefs; or else how come they to curse the Dutch, in the court and in the camp, in the city and in the country, by sea and land, both here and in Flanders? And the English hatred of the French is turning apace, in all sorts of men, into an hatred of the Dutch. Our very soldiers by sea and land, as well as their commanders, wish for a war against the Dutch; and parliament-men enough complain, that they shall never get some bills pass for the benefit of this kingdom, because they are contrary to the interest of the Dutch.

I must avow, I cannot tell what need an English king hath of Dutch counsellors: It is enough that he govern by them in the United Provinces, and by Englishmen in England; as if he were crowned King of France, (for which some hope his good fortune reserves him,) he must not expect to govern that kingdom by English counsels; for the French would never endure English ministers, or English counsels, or English forces; nor do I know why the English should endure the Dutch.

It is the expectation of all true Englishmen, that the parliament will at last remove this cause of our calamities, before they give any more money; but if they do not, they will give to their own and our destruction, and repent when it is too late.

His majesty being King of England, as such is one of the greatest crowned heads of Europe; and it would be an unspeakable satisfaction to his people, if he would be pleased to quit his stadtholdership in Holland; for England and the United Provinces are rivals for the trade of the world, and, as such, have mighty crossing and interfering interests, and will be always jealous of one another.

Another cause of our calamities, proceeding in part from the former, is, as many suspect, the corruption of some members of parliament, who do not give, but sell their votes. This is a great reproach to our nation, under a reforming government, and hath been the complaint of some in the house, as well as without doors; and it is the desire and expectation of all true Englishmen, before any more of our money be given, that the commissioners appointed and enabled to examine the publick accompts of the kingdom, do take and require an accompt upon oath from the respective officers, of all the pensions, salaries, and sums of money, paid, or payable, out of the revenue or otherwise, to members of parliament, and that accompt so taken be delivered into parliament. No sound member can oppose such an enquiry; and if, upon making it, any pensioners (as they are called) can be found, it will be an honour to the house, and a satisfaction to the nation, to have the house purged of them; or if none should be found, it will yet be a greater honour to the house, and a full satisfaction to the people, to know there are no such members among them in this reformed reign.

These are some among many other enquiries which we hope our representatives will make, and redress what grievances they find, before they give any more of our money; the love of their groaning country, and their honour as Englishmen, and as trustees of the English people, we cannot but think will oblige them to it.

I have said nothing of the general excise, because it cannot enter into my heart to think that the conservators of our liberties will lay impositions upon the necessaries of life; for though a nation may endure it, whereof nine parts in ten live on trade, yet it can never be endured long in a country where the same proportion live upon land, and not on trade, as the Dutch do. I speak of a general excise, which takes in bread, flesh, salt, soap, tallow, leather, or other commodities, absolutely necessary for the subsistence of the poor as well as the rich of the nation, which I aver will ruin our country, and if it be not so general, will not answer the ends for which it is imposed. The fourth or fifth penny will go away in such a general excise, which is as much as most people lay up, or can lay up, for their children; but if that share must go to the government out of our necessary expences, God be merciful unto us, and to the miserable posterity which we shall leave behind us. I shall say nothing of the legions of excisemen, which must then live upon our vitals. The French will be then by much the happier people, when this gable shall be established. Some say it shall be given but for the time the war shall last; but I say, if it once be given, the government will never want a pretence of necessity to keep it up in time of peace as well as war; and when it is once up, adieu to free parliaments, and then who shall pull it down?

It is already given in the intention of some; for one Parker, agent for the Dutch bankers, is come out of Holland with a plan or method, there contrived, of raising it here in England; and with a proposition, that the Dutch bankers, who cannot but be supposed to do it by the direction of the States General, will advance some millions on that fund, as soon as granted: by which they will, in a short time, devour the whole treasure of the nation: For in Holland money is put out but at 3 per cent. and for money put into the exchequer here 8 per cent. is allowed: So that the Dutch will thereby be clear gainers 5 per cent., and 6 per cent. for remitting our money into Holland. Wherefore such an excise will not only impoverish our country, but enslave us

to the Dutch, by enriching them, and helping to maintain greater numbers of foreign forces, who have no principle but to fight for pay. It is found by experience, that they will fight as they are commanded, as well against as for our religion and liberties. Duke Schomberg's declaration in Dauphiny (as in the original French) hath helped to open our eyes; and it is most certain, that foreigners in the confederacy fight more for our money than the protestant religion, and make new bargains against every campaign.

I shall not presume to direct our representatives what is fit to be levied for the carrying on of the war, but I must beg leave to acquaint them, that as it is not to be doubted but that they will be minded of their promise, to make up the poll-bill 1,300,000*l.*, which is said not to amount to above 800,000*l.*, so it is to be hoped, before they give the remaining balance, 500,000*l.*, they will please to enquire, whether for carrying on the descent which was to be made into France, the full number of 38,000 men were raised and paid, that being the quota assigned for that particular service in the account of 65,000 men to be raised and maintained for one whole year, for the defraying of the charges whereof the parliament so frankly gave the full sum demanded.

And, before I conclude, I shall take liberty to acquaint our representatives in parliament, that the nation expects that they shall either appropriate what they give this session to the use of the war, and appoint commissioners to receive it, and issue out the payments of it to that intent and purpose, and no other; or, in case they think not fit to do this, then it will be expected, that they will make all officers whatsoever, appointed to receive and issue out any of the said money, liable to the penalties of perpetual disability for any office, civil or military, and an incapacity to sit in either house of parliament, if they, or any of them, shall issue out or misapply any of the said money to any other use or purpose; as also to an action from any person or persons who shall advance money, or furnish any stores or habiliments for war by sea or land upon the fund of the said money, which shall be appropriated to the aforesaid use.

It is also to be desired, that they will require all English officers, civil and military, to bring a true account of the just arrears due to them, and all persons employed under them on the publick service, and vote all such arrears to be paid out of some branch of the publick revenue, as may be most easy to the kingdom.

But it is to be hoped, when you enquire into the receipt of the money brought into the exchequer this last year, and the disbursements, there will then remain money more than sufficient, to pay all arrears due to the land and sea forces; for the customs have this last year clearly brought in eight hundred thousand pounds, the hereditary excise six hundred thousand, the double excise four hundred thousand, the small branches of the revenue forty thousand, the land-tax sixteen hundred thousand, and admit that the quadruple poll brought in but eight hundred thousand pound, the total of this year's receipts amounts to four millions, two hundred and forty thousand pounds; which, with eighteen millions given before, since the Revolution, amounts to above two and twenty millions, received by the government: And if that hath not been sufficient to defray the charge of the war, and all the necessary expences of the government, with a sum remaining in bank sufficient to discharge all arrears, then the nation must sink under the burthen, unless our representatives can find out a way to lessen the charge of the government, and increase the riches of the kingdom.

And whether or no that will not in a great measure be done by opening our trade with France, (even during the continuance of the war,) will be worth their consideration. A member of the House of Commons, who is a commissioner for the revenue in Ireland, can testify that the customs there increased this year to the value of twenty-five thousand pounds, by the import of 2500 ton of French wine, brought in pursuant to the articles of Limerick; and if our trade with France be not opened, we shall still

have French wines and other commodities from thence brought in to us by the Danes, Swedes, and Dutch; the last whereof, as well as our allies in Flanders, have lately taught us by experience, that a commerce of trade is not inconsistent with a state of war. We had much better have in our own bottoms what have been and will be brought to us by foreigners; for, not to instance in other French merchandises, it is notoriously known that we have had Champaigne wine (the undeniable product of France) by the way of Flanders and Holland, at so great a rate, that it could not be sold in taverns here for less than 10*s.* a flask.

Foreigners thus carrying away our trade, is a great grievance; and if this, with our other grievances, be redressed, and care be taken that no more money be given than what is absolutely necessary for the preservation and safety of the nation, and that what be given be duly applied for the uses intended, the people will part with their money the more chearfully, and more moderate taxes than what we are now affrighted with the apprehensions of, will defray the necessary expences of the war.

If any of our representatives shall not think fit, for private ends of their own, to do these things, and shall prefer their own private gain and advancement before the publick good, such must expect that the people will never more chuse them to serve in parliament; but we hope for better things, and are willing to believe they will approve themselves to be the true conservators of the liberties of England, and to take care to redress our grievances, particularly in dismissing all foreign forces, and justly and duly paying all our English by sea and land, which will so encourage our soldiers, and unite us all at home, that no true-hearted Englishman will be terrified or affrighted with the apprehension or rumour of any foreign invasion whatsoever.

Having in this paper taken notice of the barbarity used towards a free-born Englishman in Scotland, by torture and imprisonment contrary to law, that I may not seem partial, by concealing the inhumanity lately used towards prisoners in England, I shall give an instance of such barbarity, that I was very unwilling to credit the relation, till I was thoroughly convinced of the truth from the solemn asseverations made by persons of undoubted credit and reputation.

Two foreigners and an Englishman were committed this last summer prisoners to Newgate as spies, by a warrant from a minister of state, and by order kept in irons under so close a confinement, that no person, except the gaolers, was permitted for a long time to speak to them, see them, or send them any relief; and if the irons did not enter their souls, it did so deeply their flesh, that Major Richardson, now or lately keeper of Newgate, and not much famed for tender-heartedness, was moved in compassion towards them, of his own accord, to strike off their irons, give them plaisters to heal their sores, and move the lord-chief-justice that they might be brought to trial; but his lordship seeing their *mittimus*, was pleased to say, "Being committed as spies, they were prisoners of state, and he could take no cognizance of them;" therefore their names were not inserted into the calendar of the prisoners, which every sessions is presented to the judges, in order to the gaol-delivery. Major Richardson afterward made application on their behalf to the minister of state by whose order they were committed, who, with a more than usual elemency, was pleased to reply, "Knock them on the head;" and, as if to induce him to obey his order, said, "Nobody knew where they were, nor could any discover but from him what became of them:" And what is become of them is very worthy to be enquired into by the parliament, who upon enquiry will find, that one of the aforesaid prisoners, by his barbarous usage, is so distracted, that he is fitter to be an inhabitant of Bedlam than Newgate; and if any humanity hath been shewed to any of them, it hath only been very lately, upon the approach of the sitting of the parliament.

A French Prophecy; or an Admonition to the English concerning their near approaching Danger, and the Means to escape it: Being a Prediction of a Gentleman of Quality in Languedoc, concerning the Downfall of the French King, and several other Things relating to England. To which is added, A fuller Account of Archbishop Usher's Prophecy than has ever yet been printed, (agreeing with this,) and attested by the Lord Chief Justice Hale, and another Person of Honour. Translated from the French Copy. Licensed Feb. 25th, 1690.

The period of revolution and factious dissensions is that in which

——"Lean-look'd prophets whisper fearful change."

The Huguenots in the south of France, especially those called Camisars, were deeply infected with enthusiastic opinions, some of which afterwards made much noise in London under the auspices of the refugees called French prophets. These men pretended to supernatural gifts, to prophetic powers, and even to that of working miracles. Their alleged inspiration appears to have been a medley of madness and imposture. The following French Prophecy seems to have been of Camisar original. As for the predictions ascribed to the learned and pious Archbishop Usher, the understanding reader will at once consider them as forgeries. This abuse of such a venerable name took place so early as the reign of Charles II.

THE original French of the following Admonition I received lately in Holland of the author, whose name is thereunto subscribed, a gentleman of an ancient family in Languedoc, whose seat is an ancient castle of the same name with himself, about three English miles from Montpelier, with a considerable revenue thereunto belonging; but he was forced to leave it, and all that he had, after two years imprisonment, for his religion. And this is his condition at present. The author of the Admonition, which he mentions, was his younger brother, who died near three years since, of about forty-eight years of age, a person, as he saith, of great piety and credit, and of extraordinary knowledge of things absent and future. And of him our author received both admonition before-hand of the things here said to have happened to him, and an explication afterward of the mysteries of them, and the signification thereof. He is not without witnesses of the truth of what he relates; but they are dispersed into several parts, and some of them now in England.

It was the author's desire to have it committed to the English as soon as might be, and my good will to my country, and desire to serve them, inclined me to lend him my assistance therein without much difficulty, both because it doth agree so much with the known prediction of Bishop Usher, and because the state and course of affairs seem to agree but too much with both, in a manifest tendency to the accomplishment of them. And that the reader may not be so much disturbed as admonished by it, for his better direction and instruction how to use it, I thought fit to subjoin the principal part of the bishop's predictions: which I can assure the reader to be no imposture, but true and genuine, from the testimony of two witnesses beyond all exception; the one

the late Lord-Chief-Justice Hale, who, when I shewed it him in writing before ever it was printed, and desired his judgment of it, told me he had heard him say the substance of it, the substance of it (repeating those words) twenty times with a great deal of confidence; the other, a person whom I ought not to name without licence, but of great honour by degree, and much greater by real worth and virtue, to whom the words were spoken by the bishop, and who committed them to writing, and was pleased to favour me with the perusal of the original.

Avis pour les Fidelles d'Angleterre.

Il faut être dans un grand aveuglement pour ne s'être pas apperceu, que la colere de Dieu paroit alummée depuis long temps presque sur toutes les parties de l'Europe, de sorte qu'il semble que Dieu vueille comme par un nouveau deluge exterminer toute chair; puisqu'il n'est que trop vray qu'elle s'est portée à toute sorte d'excess. L'indignation du Tout-puissant a commencé à le respandre en particulier presque sur tous ceux, qui portent le nom des protestans. Ces raisons devoient nous porter a nous amender et nous corriger de nous vices; mais le ciel et la terre sont temoins que nous n'avons sçeu que c'éstoit d'affliger nos ames et amender le train de nôtre vie; c'est aussi pour cela que les jugemens de Dieu (dont nous n'avons tenu conte, lorsque leur decret a tant et tant de fois si epouvantablement enfanté) se sont tous jours r'enforcées. L'experience nous la fait voir en France, n'ayant pas profité des avis qui nous avoyent ête donnes.

Il y a plus de vingt ans que je receus une lettre, qui m'apprennoit nos malheurs et me marquoit le moien de les prevenir, qui êtoit d'assembler les intendants pasteurs et anciens de l'eglise et leur dire de faire faire une jeune de trois jours à la premiere eglise qui seroit attaquée, et qu'on en verroit les effets. Je negligai cet avis, non sçachant d'ou il venoit. Mais environ dix ans apres, l'ayant sçeu et vu arriver bien de choses qui m'avoyent êté marquées, j'en parlay à ces messieurs, qui n'en profitoyent pas; ce qui nous à fait voir de facheuses suittes. Il y a en Angleterre plusieurs ministres qui estoient presens lors-

An Admonition to the Christians of England.

He must be very blind who perceives not that the wrath of God hath long since been kindled against all parts almost of Europe; so that he seems resolved to destroy all flesh again as it were with a new deluge, since it is but too true, that they have abandoned themselves to all kind of wickedness. But the indignation of the Almighty hath begun to manifest itself more especially against those who are called protestants. And by those means ought we to have been induced to repentance and the reformation of our manners. But heaven and earth are witness, that we have not so much as known, or well considered, what it is to afflict our souls and amend our lives. Hence it is that the judgments of God, which we so little regarded, though the decree hath again and again brought forth so terribly, have been daily more and more increasing. This we in France have been made to see by experience, since we neglected the admonitions which were given to us.

It is now twenty years and upwards since I received a letter, which admonished me of our approaching miseries [in France,] and the means to prevent them; which were, to call together the governors of our church, and acquaint them that they should appoint a three days fast in that church which soever should first be attached, [by process by our enemies,] and they should see the effects thereof. But I neglected that advice, not knowing whence it came. But about ten years after, when I understood that, and saw the event of much of that which was foretold, I acquainted those gentlemen with it; but they regarded not

que je leur vis voir la lettre, qui m'avoit été envoyée.

Madam de Turene, Monsieur de Rouvigny, et Monsieur Gaches, ministre de l'eglise de Charenton, curent les mêmes avis que moy, la synode en eut en suite; et l'auteur voyant qu'on n'en profitoit pas m'ecrivoit en ces termes.

"Un vaisseau ogité d'une rude tempete en piteux êtat. Lorsqu'un enfant, n'avant su eveiller les matelots pout sortir les eaux qu'il y voioit entrer, est en fin obligé de crier; sauve qui peut. Malheur à qui n'aime le Seigneur Jesus, et ne porte tous les jours ce divin crucifié dans son ceur!"

Il y a environ huiet a neuf ans que je receus un coup de Foudre de jour; j'avois été averti de ce coup trois ans avant qu'il tomba sur moy et par trois diverses fois: Ce coup fut suivi environ six semaines apres d'un coup de tonnerre, qui tomba de nuit (dont même etoit averti). Je fus obligé de faire eveiller tous ceux, qui estoyent chez moy au lict: Nous fusines au lieu ou je faisois precher; je faisois lire la parole de Dieu, lorsque le tonnerre tomba sous mes pieds: Le lieu ou nous estions estoit pavé et les rochers au dessous: On entendoit gronder le Tonner sous moy qui estois éloigné d'eux neanmoins dans le même endroit, aussi fort qu'il a accoutumé de faire: Il y fut assez de tems: Nous ne discontinuasmes pas pourtant la lecture de l'Ecriture sainte. Ces furent des coups terribles et mysterieux presages et avant courreurs des maux pres à fondre sur la France et sur l'Angleterre: Il y a en Angleterre plusieurs personnes qui estoyent chez moy lorsque ces choses se passerent: Ils en ignoroyent le mystere, mais je puis bien prouver ce que j'avance.

Etant en etat de quitter la province ou je faisois mon sejour, il y a environ cinq à six ans, l'auteur des avis, qui a reçu d'une vie si chretienne qu'on ne luy sçauroit rien

what I said, which made the consequence so sad. There are now in England divers ministers, who were present when I shewed the letter which was sent me.

The same advice which was given to me, was sent also to Madam Turone, and to the Sieur Rouvigny, and to Mr Gache, minister of Charenton, and to the synod of Languedoc. And when the author, who sent these admonitions, understood that nothing was done thereupon, he wrote thus to me:

"Very unhappy is that ship, which being shaken in a grievous storm, the mariners will not be roused even by a child to pump out the water, which he sees running in, till he be forced to cry out, 'Every one shift for himself.' Woe to him who loveth not our Lord Jesus, and doth not carry the divine crucified one daily in his heart!"

About eight or nine years since, a sudden stroke as of thunder struck me down in the day-time (about eight in the morning), according to three several warnings thereof given to me three years before. This was followed about six weeks after by a thunder in the night: Whereof I had also been admonished. Whereupon I called up all who were in bed in my house; and we went into the room where we used to have prayers, and there read the Scriptures. While that was doing it thundered under my feet, though the place was paved and upon a rock. We all heard the noise of thunder (directly) under me (who was at a distance from them, though all in the same room,) as loud as it used to be in the air, and for some time: Yet we left not off our reading the Scriptures. Those were terrible claps, and mysterious presages and forerunners of the calamities which are ready to break out upon the kingdoms of France and England. There are in England several persons who were at my house when these things happened: They understood not the mystery of them; but I am able to prove what I here declare.

About five or six years since, when I was to leave the country where I dwelt, the author of these admonitions (who lived so christian a life as none could blame,

imputer, et à qui Dieu a fait de graces si extraordinaires que je ne pense pas que depuis plusieurs siecles on ait oui parler de semblables, me donna un dépôt cachete, et me dit le tems que je devois l'ouvir; il avoit au commencent de cet ecrit.

O Roy, un plus grand roy que toy te commande: songe aut conte que tu dois rendre plutôt que tu ne penses: Et a fin,

O Angleterre, si tu de rends complice du crime, tu auras part à la peine.

L'orage est furieux rempli d'horreur et de carnage: Tachez à le prevenir à fin que votre contree soit une contre de paix, une isle fortunée, et un jardin d'Eden: C'est le souhait de

Votre tres obeissant serviteur,
SAINT JEAN.

Guettes Israel, c'est ici le tems de veiller et de prier, c'est le tems de crier à plein gosier et de ne se point epargner; sonnez du cornet en Sion, reveillez les peuples endormis, insistez en tems et hors tems, et ditez hardiment à Jerusalem, qu'elle se repente à fin qu'il y ait paix pour elle et non une souddain destruction; car le tonnere a grondé.

and whom God had favoured with such extraordinary graces, as few, I believe, in several ages have heard the like,) deposited with me a sealed paper, and told me the time when I should open it. In the beginning were these words:

O King, (meaning the French king,) a greater King than thee commands [or rules] thee: consider of the reckoning thou art to make, sooner than thou thinkest. And in the end,

O England, if thou make thyself partaker in the crime, thou shalt take part in the punishment.

The storm is violent, full of horror and destruction: Endeavour to prevent it, that your country may be a country of peace, a fortunate island, and a garden of Eden: Which is the hearty desire of

Your most obedient servant,
SAINT JEAN.

Postscript.] You, who are watchmen of Israel, this is the time to watch and to pray; this is the time to cry aloud, and spare not: Sound the trumpet in Zion; awaken the sleeping people: Be instant in season, and out of season, and speak boldly to Jerusalem, that she repent, that so peace may be unto her, and not sudden destruction: for the thunder is already begun.

Archbishop Usher's Predictions.

The year before he died, being asked, "Whether he did believe that great persecution of the church of God in England, Scotland, and Ireland" (of which he had spoken with great confidence many years before in time of great peace,) "to be passed, or yet to come?" he said, "That it was yet to come, and that he did as confidently expect it as ever he had done:" adding, "That this said persecution would *fall* upon all the protestant churches of Europe." And when it was answered, *it might* be hoped that it might have been past in these nations, by reason of the devastation and bloodshed which had been in the late civil war, he replied, with a very serious and stern look,

"Fool not yourself with such hopes; for I tell you, *All* you have yet seen hath been but the beginning of sorrows, to what is yet to come upon the protestant churches of Christ: who will ere long fall under a sharper persecution than ever yet has been upon them. And therefore look ye be not found in the outward court, but a worshipper in the temple before the altar. For Christ will measure all those who profess his name, and call themselves his people; and the outward worshippers he will

leave out to be trodden down by the Gentiles. The outward court is the formal Christian, whose religion lies in performing the outside duties of Christianity, without having an inward life, and power of faith and love uniting them to Christ. And those God will leave to be trodden down and swept away by the Gentiles. But the worshippers within the temple and before the altar, are those who do indeed worship God in spirit and in truth, whose souls are made his temple, and he is honoured and adored in the most inward thoughts of their hearts; and they sacrifice their lusts and vile affections, yea, and their own wills to him, and these God will hide in the hollow of his hand, and under the shadow of his wings. And this shall be one great difference between this last and all the other preceding persecutions; for in the former, the most eminent and spiritual ministers and Christians did generally suffer most, and were most violently fallen upon; but in this last persecution these shall be preserved by God, as a seed to partake of that glory, which shall immediately follow and come upon the church, as soon as this storm shall be over: For as it shall be the sharpest, so it shall be the shortest persecution of them all; and shall only take away the gross hypocrites and formal professors; but the true spiritual believers shall be preserved till the calamity be overpassed."

To this I think very pertinent that excellent passage of his to the same person, concerning Sanctification,[1] in these words:

"I must tell you, We do not well understand what sanctification and the new creature are. It is no less than for a man to be brought to an entire resignation of his will to the will of God; and to live in the offering up of his soul continually in the flames of love, as a *whole* burnt-offering to Christ. And how little are many of those, who profess Christianity, experimentally acquainted with this work on their souls!"

Some circumstances of the persecution aforesaid are mentioned in the printed paper of his Predictions, to which I refer the reader. But one there is not mentioned there, or ever by him expressly, that I have heard of, viz. the time. Of which yet it may be observed, that he seems in divers discourses to have intimated it so, that it must be now very near, by telling some persons, viz. such as were ancient, that they should not live to see it, and others that they might, that is, by course of years, and among others Judge Hale, who, had he been now living, had been upwards of eighty-one. Besides, if the same was signified by the thunder under ground mentioned by Mr St Jean, that seems to agree well with the manner mentioned by the archbishop, of a sudden unexpected massacre.

[1] One of Archbishop Usher's posthumous pieces is entitled, "The Extent of Christ's Satisfaction."

An Account of Two Letters, one of which is from the late King James to the Pope, as it is extracted out of the Register taken at Dublin, July 4, 1690; with a Marginal Note, That it is all written with his own Hand. The other is an original Letter from the Earl of Melfort (the late King's principal Secretary of State) to the late Queen; taken also at Dublin at the same Time.

As James had lost his kingdom in the attempt to reduce it to obedience of the papal see, he might be naturally led to apply to the pope for commiseration in his misfortunes, and for such assistance as the pontiff's means could afford. But these means were too limited (had the pope even been prodigal of them) to counterbalance the obloquy which he necessarily incurred in England by applying to so unpopular a channel of aid. And James's letter to the pope was held out to his former subjects as a clear proof of his confirmed bigotry in those principles which had principally occasioned his exile.

It is thought proper, upon this occasion, to expose these Letters to public view, which would not have been so seasonable at another time as now, when the enemy has given open proofs of those designs which, by these Letters, will appear to have been long concerted by them: And although, by the providence of God, they have been hitherto prevented, yet since, hereby, and by the late discovery, the industry of those who endeavour to subvert this government, is not only manifest, but that they give themselves great encouragement to believe they shall be able to effect it, it is hoped, that these warnings will stir up men to such a degree of vigilance, as will make them careful to prevent any future designs against the peace and quiet of the kingdom.

Beatissime Pater,

"Gaudium ex vestræ sanctitatis in B. Patris cathedram elevatione conceptum, literis nostris per Comitem de Melfort primum secretarium nostrum missis expressum. Literæ S. V. manu scriptæ sinceri amoris paterni et teneræ compassionis ob ea quæ patimur testes adeo auxerunt, ut malorum sensum minuerint, et nos verè consolata sint. Unica turbarum contra nos excitatarum origo est, quod Catholicam Fidem amplexi simus, et eamdem in tria regna et latè sparsas per Americam nostrorum subditorum colonias reducere statuisse nuper neutrum negamus. Posterius quæ fecimus in hoc regno probant, ubi enim divino auxilio, parvas quidem, sed frequentes victorias de rebellibus reportassemus (magnam impedierunt isti, decretoriam pugnam pertinaciter declinantes) iis in religionis bonum usi sumus, quam hîc spero brevi firmitèr stabilitum iri. Idem in aliis ditionibus nostris factum, ubi divinâ ope iisdem restituti fuerimus. Hoc non ita difficilè videtur, modo subsidio aliquo juvemur, adeô ægre ferunt grave usurpationis jugum, et nostri reditûs tam sparsum est desiderium. Juvabit pax Catholicos inter principes inita, aut si pacem temporis angustiæ vetent, induciæ, quæ etiam finem imponent tragœdiæ in Germania inchoatæ, ubi heretici in ipsis ecclesiæ visceribus hærent eaque rodunt. Nihil opus verbis, ubi res ipsæ tam clarè loquuntur, et opem implorant. Apostolicus S. V. zelus aliquam providebit malis parem, et à fidu-

cià pleni Deum veneramur, beatitudini vestræ longum et prosperum regimen largiatur, atque pedibus ejus advoluti, omni cum debito sanctitatis vestræ filiali amore atque observantiâ, apostolicam benedictionem postulamus. Datum Dublinii, 26 Novemb. 1689.

Dublin, 26th Novemb. 1689.

Translation of a Latin Letter, whereof the Copy is annexed, which was then writ by King James to the Pope, as it is extracted out of the Register taken at Dublin; with a marginal Note, that it was all writ with his own Hand.

Most Holy Father,

"We did, by the Earl of Melfort, our principal secretary of state, signify to your holiness, the joy we had in your promotion to the sacred chair. And those letters which your holiness did with your own hand write us, were such testimonies of fatherly love, and of your tender compassion for what we suffer, that they have lessened the sense of our calamity, and have proved of real consolation to us. The only source of all these rebellions against us is, that we embraced the catholic faith; and do not disown, but that to spread the same, not only in our three kingdoms, but over all the dispersed colonies of our subjects in America, was our determination. To manifest this, there will need no other proof, than to see how, lately, we have proceeded in this kingdom; for as we have frequently beaten the rebels in small parties, (which might have been a complete victory, if they had not obstinately declined to give us battle,) so we have still turned all to the advantage of religion, and hope, very soon, to see it here firmly established. Nor will it look hard, if but aided by some subsidies, to compass the same in our other dominions, as soon as by God's favour we shall be restored, seeing our people do so ill bear the usurper's yoke, and so universally long for our return. It would promote this work, if a general peace were settled among the catholic princes, or a truce at least, in case the time be too short for the other; for this would put an end to those calamities begun in Germany, and where the hereticks lie now gnawing in the very bowels of the church. But what need we speak on this subject, where the things themselves are so loud, and implore your aid? The apostolic zeal of your holiness must find out remedies fit for these evils; and in full confidence hereof, we beseech God to give your holiness a long and happy reign; and we being, with all love and filial observance, prostrate at your feet, do beg your apostolical benediction. Given at our castle of Dublin, this 26th of November, 1689."

May it please your Majesty,

"Since the last post, not having had any new occasion of demanding audience of the pope, I went to the cardinal Ottoboni, whom, after four or five disappointments, I at last found, and informed him of the matter, and begged his assistance with the pope, for all those reasons which your majesty has already seen, and what else I could invent.

"The cardinal seemed much more willing to enter into the matter than formerly; was very glad at the news; told me that he had seen your majesty's letter to the pope, all of your own hand; that it was all their concerns; that he was but the pope's minister, and so could answer for nothing, but informing him right; and that he promised to me he would do with as much affection to your majesty's interest as I could do if I were there. He complained (in confidence) to me, that the pope had some about him who were not so affectionate; and that so he often left him well inclined, and found him changed at next meeting; but that in this he would do all that was in his

power. He said, he doubted not that I was informed of the emperor's proceedings, how angry he was at the pope, &c.

"I told him, that for those about the pope, if any of them contradicted his inclinations, I humbly conceived it to be his fault, who having the double authority of minister and nephew, might easily make the palace too hot for any who would oppose him, especially in things so just, and indeed so necessary for his interest. That I was, indeed, informed of the emperor's huffing; but withal knew how little that would signify, if he took the right way, which was to assist the king to his throne, who would be in a condition to bring Europe to peace on just terms; and not only to assist the pope, but to profit his eminence, and all his family: That I knew what a king of England could do, and what the generosity of this king would do to such as obliged him, as his eminence might do in this conjuncture: That the emperor was lost, however, to them; and that made it the more necessary to hold in with some, so as to have a friend in time of need: That if this was true, I informed him of the nearest way to put himself above what the house of Austria could do, was to push on the wheel that went easiest, and then, the king on his throne, that family would not talk so high.

"I had all the satisfaction in words I could desire; but, in effect, I believe nothing will be done till the news of the rising come, and then I am very confident something will be done; so I pray God we may have the news of it speedily: And if it be not dispatched hither before this come to your majesty's hand, I would humbly beseech your majesty to get the Most Christian King to send an express with it hither, that we may make the greater impression with it. In the mean time I shall (after the post comes) endeavour another audience, that I may still be keeping them in mind of what it is so much their duty to do, however.

"I am sorry that on this important occasion I should be so little useful to so good a master; but it is God's will, and I must submit to it. I am told, how true I know not, that in Ireland they begin to be sorry for their injustice to me; pray God it be true, and that my example may hinder them from falling in the like with Mr De Lauzune, who will certainly carry higher than I did with them, and therefore I have some reasons to fear from the humours he has to do with. I have written to all my friends to do their best to keep peace, and that all may prefer the king's service to their own private interest; which I hope in God they will do, and that all shall go well. I am sorry to hear that there was not preparation made for the reception of the French; the king could do no more but send a lieutenant-general, E. Dover, to take order; but, alas! the negligence of the servant makes the master suffer, and it will never be well till these negligences be punished as they deserve; as I doubt not this has been, if the story be true, that the fault was so great, and the worse the matter is represented in France, the more the king's honour is concerned not to suffer it to pass unpunished; one example or two is necessary for the recovering of the kingdoms, for there is not one thing I stand so much in fear of as negligence in executing the king's orders. Forgive me, madam, for meddling in this matter, but I'll swear I cannot help it; I must be concerned when I hear of any thing by which the king is prejudiced, either in his reputation or service.

"I humbly pray that Almighty God may send his blessings down upon the king, your majesty, and the prince, and that you may be happy together for many years in your own England, and that all your subjects may rejoice at it as heartily as I, who am,

May it please your majesty,
Your majesty's most humble,
most faithful, and most obedient
subject and servant,
MELFORT.

Rome, May 2, 1690.

"Lady Melfort has her most humble duty presented to your majesty, for which presumption she begs most humble pardon."

Animadversion on King James his Letter to the Pope. Published in the Trial of the Lord Preston and Mr Ashton. 1691.

In the year 1691, Lord Preston, Ashton, a servant of the late queen, and one Elliot, were seized aboard a vessel bound for France, having in their possession a packet of papers and memoranda, respecting a plot for restoration of James II. Lord Preston and Ashton were tried, and condemned. The latter was executed, and the former pardoned. Their trial was published; and, to increase the odium likely to be excited by their treasonable practices, the letter of James to the Pope was subjoined to the narrative.

LET truth be never so evident, and demonstration never so manifest, yet infidelity will too often keep its ground, and some invincible persuasions will still persist in that incorrigible obstinacy, that right reason shall have no sway with them; and no proofs whatever shall evince their rooted errors. To come to the particular case in relation to this kingdom, perhaps 'tis not the least part of our national shame that there are too many of us to this very day will never be induced to misconstrue the least grain of the late King James his integrity to his honour and engagements for preserving the protestant religion; that at least all the measures taken before his departure, that looked a little too industrious for the propagation of the Romish religion, they will allow to be no more than a pardonable zeal in him; and that the utmost of his designs were no more than a favouring and countenancing of his own worship (a venial frailty) in order to raise it above the power of its professed enemies: That his whole ambition aimed not at any farther reach than to gain it an absolute toleration and impunity, by rescinding the laws against it; and that no other *anguis in herba*, no usurpation against, or subversion of the protestant religion established, was ever meant or intended by him; his whole endeavours being no more than to give popery those innocent advances of freedom and liberty, without the least intended assumption of any invasive or compulsive power whatsoever.

Nay, there are another sort amongst us, who, though a little staggered at some irregular court-heats in the last reign, and cannot deny but they are convinced ('tis true) that, over-persuaded by too many violent zealots about him, he was a little misled, and indeed was pushing something too far in some unjustifiable favours towards his own Romish cause. However, if any such trips, or such false steps, were then made, nevertheless their inviolable deference, and adherence to King James, inclining them to pardon small royal faults, gives them at present so hearty a good wish for his restoration to his throne, as not in the least to doubt, but his late calamities befallen him have most certainly quite changed his resolves: That the miseries he has underwent, and the too visible repugnance of this kingdom against all invasions of popery, (if ever God Almighty blesses him by a restoration) have and must, past all dispute, have broken all his old false measures (whatever they might have been), and that his late wrack will for ever stand that warning sea-mark, as never to venture again into

the like danger, for fear of splitting again upon the same rock; and consequently there can be no farther occasion of either fearing or suspecting him; and therefore they persuade themselves 'tis their duty to be assistant to their utmost power for his return; and this, though the heartiest protestants, without the least shadow of disinteresting their own religion, they are in all conscience obliged to do; and which, their confidence assures them, they shall never repent when done; but stand confirmed in a full and perfect security of the safety of their religion and liberties, from the accomplishment of so sacred a work as the re-mounting King James upon his throne.

Now as there are but too many poor deluded zealots for King James that are to this day either wilfully or (to speak more favourably) unhappily blinded by these mistaken opinions, perhaps there never appeared a more visible confutation of their erroneous credulity in favour towards him, than in his Letter to the Pope, annexed to, and published with the Trials of the Lord Preston and Mr Ashton, &c. Upon which I shall make some few remarks.

First, For the authority and undeniable truth of the letter. It was found written in Latin, entered upon record in the register taken at Dublin, bearing date, Dublin, 26th of November, 1689. With a marginal note recorded likewise in the same register, That the original letter was all writ by King James his own hand.

Here, before we enter upon the letter itself, 'tis to be observed what affectation of glory, what triumph there is in a Romish bigot, a true son of mother church, in the least atchievement for, or promotion of, her darling cause.

'Twas not enough, belike, that such a letter was written in Latin, (the usual language of addresses to the pope,) and no wonder, to gain it ampler credence, and give it the fairer stamp of authority, all originally writ by King James his own hand; and consequently (one would think) it had done its whole work, by being sent to, and received by the pope. But, at the same time, this zealous piece of Romish service in King James, to his fame's eternal monument, must be afterwards entered and registered upon record, on purpose to be transmitted to posterity, with that particular justice done him of a peculiar marginal note, "that it was all writ with his own hand."

Most Holy Father,

"We did, by the Earl of Melfort, our principal secretary of state, signifie to your royal highness the joy we had in your promotion to the sacred chair. And those letters which your holiness did with your own hand write us, were such testimonies of fatherly love, and of your tender compassion for what we suffer, that they have lessened the sense of our calamity, and have proved of real consolation to us."

Remark.

Here we see the first part is his joyful congratulation of his holiness's promotion to the sacred chair, which, though at first reading, may appear no more than a customary compliment, as being dated 26th of November, 89, and thereby written just upon the pope's accession to the papacy. However, as the whole outcry of the Romish party, at the pope's first instauration, roared high, and bellowed loud, with a confident assurance of a Frenchified pope, to no less than almost a publick abjuration of the-little-less-than-heretical Pope Innocent, his dead predecessor, the papists themselves (the French and English ones at least) resolved if possible even to abdicate his hated memory. Upon this universal presumption of the then new pope's affections, undoubtedly the transported King James felt some part of their common titillation; and this caress to his new-made holiness bore something of more than ordinary patheticks in it, to so hopeful and promising an apostolick successor. And the testimonies of fatherly love, and tender compassion of King James his sufferings, expressed in the pope's let-

ters to King James, under the afore-mentioned presumption of his holiness's inclinations, unquestionably brought him the real consolation the letter describes.

Letter.

" The only source of all these rebellions against us is, That we embraced the catholick faith; and do not disown, but that to spread the same, not only in our three kingdoms, but over all the dispersed colonies of our subjects in America, was our determination."

Remark.

The only source of these rebellions against him (he says) is, that he embraced the catholick faith, &c. That, I am afraid, is a notorious mistake; for hisembracing the Romish [catholick] (as he calls it) faith, was so far from raising any thing like rebellion against him, that, notwithstanding the nation's conviction of his adhering to that persuasion before his accession to the crown, not only the throwing out of the exclusion bill, that so strenuously asserted his right, and opened his access to the throne, " but likewise the universal fealty, and indeed even passionate tenderness towards him at his access to the throne," notwithstanding his published religion, sufficiently demonstrate, that a rebellion against him was farthest from the principles or thoughts of his truly loyal and protestant subjects.

Indeed, when he plainly declares, and which the nation too plainly saw, after he once grew warm in the imperial seat, he resolved and determined to spread his religion, not only through his three kingdoms, but likewise through his territories in the American world too; possibly a little abatement of that first heat and love towards him might lessen our fond affections, at least in that part of mankind, that could in conscience do no less than have some reasonable reluctance against the notorious violation of what ought to be most sacred, the repeated vows and protestations (the obligation of a coronation-oath not excepted) of his performing what was never intended; together with some small concern for a religion and liberty so near and so dear to them, at that time under such undeniable dangers of being undermined and supplanted.

But as great an abhorrence as all good people had of such sinisterdesigns, so apparently carried on against the English rights and liberties, and as much as it might cool their zeal for King James; how unjustly we are charged with rebellion against him, in any part of this happy Revolution, has been already proved by larger and more learned discourses on that theme.

Letter.

" To manifest this, there will need no other proof than to see how, lately, we have proceeded in this kingdom; for as we have often beaten the rebels in small parties, (which might have been one complete victory, if they had not obstinately declined to give us battle) so we have still turned all to the advantage of religion, and hope very soon to see it here firmly established."

Remark.

To manifest his determination of establishing popery in that kingdom, he might have pleaded a great deal further back for his proofs than his late proceedings there; for from the very beginning of his reign, the measures taken in that kingdom have been so barefaced, as every eye might see into; the barbarous turning out of all protestants there from all trust either civil or military, even to cashiering every private heretick sentinel, speaks but too plain. Barbarous, I may very well call it, when with so much horrid and shameful injustice and rapine the protestants were dispossest of all command and trust (for what end is too plain), though their very places were bought,

and by the government allowed to be so, without the least restitution or satisfaction whatever made them: And the same seizure that thought their commands and places lawful prize, brought the heretical money that paid for 'em under the same condemnation.

I am afraid his "frequently beating the rebels in small parties, and his assurance of his completer victory, if offered battle," were only a temporary confidence in him; the said assurance not always continuing; witness the planting of horses before hand, and his early, if not overhasty, posting sea-ward before the battle of the Boyne.

Letter.

"Nor will it look hard, if but aided by some subsidies, to compass the same in our other dominions, as soon as by God's favour we shall be restored, seeing our people do so ill bear the usurper's yoke, and so universally long for our return."

Remark.

Here the bolt's struck home; 'tis not his loss of three kingdoms, not all his at present defeated designs, with all their attending calamities, wholly owing to no other original, if once so blest as to remount his throne, shall deter him from taking up the old broken cudgels, and venturing a second wrestle, though for a second fall, in so meritorious a cause. Dethronement, abdication, nothing shall bare the continuance of his fidelity to that (I dare not say) only sworn, but at least only binding oath, the Romish restoration. And truly, not to enlarge upon this topic, he has not only been always too firm a devotee to France, but under his present obligations to that prince, (if possibly (as Heaven forbid) restored to these kingdoms,) so much a dependant on that monarch, that besides his natural propensity of not easily forgiving injuries, and consequently not being over tender of lashing the backs of a rebellious (as he calls 'em) heretick nation; yet even supposing a more than popish miracle, his abjuration of all forgotten resentments against them, a beam of mercy we must hardly look for, even in spight of himself, his tenure under France, his royal lieutenancy to the great Lewis, (the highest post he can hope for,) as the sad sufferings of the poor inoffensive hereticks on the other side of the Herring-pond point to us, will tie him up to no extraordinary clemency to the more capital ones on this side.

The latter part, viz. the people's uneasy bearing of the usurper's yoke, (as he calls him,) and the universality of their longings for his own return, perhaps upon due examination, whatever his intelligence has been of their inclinations, possibly is not the first mistake that poor prince has been flattered into.

Letter.

"It would promote this work, if a general peace were settled amongst the catholick princes, or a truce at least, in case the time be too short for the other; for this would put an end to those calamities begun in Germany, and where the hereticks now lie gnawing in the very bowels of the church."

Remark.

This paragraph pushes the Romish zeal a little further than the concern of his own three kingdoms, and his American colonies: the poor indulgence of the reformed religion is an eye-sore to him all the world over; and he cannot forbear his extraordinary devotion even beyond his own dominions, for rooting (as his own secretary Coleman told us) the pestilent northern heresy from the face of the earth, as gnawing, to his no small anguish, in the very bowels of the church.

Letter.

"But what need we speak on this subject, where the things themselves are so loud, and implore your aid? The apostolick zeal of your holiness must find out remedies fit for these evils; and in full confidence thereof, we beseech God to give your holiness a long and a happy reign: And we being with all love and filial observance prostrate at your feet, do beg your apostolical benediction. Given at our castle at Dublin, this 26th of November, 1689."

Remark.

Thus ends this promising and imploring epistle to the pope. What ready performances he engages on his own part for the Romish cause, we have but too much reason to believe, were, and are heartily intended; and will undoubtedly, if power be ever equal to good will, be as heartily put in execution. The implored assistance on the other side to carry on this work, 'tis thought, has not been so zealously lent as desired; the princes of the empire, though of his own faith, nay, the pope himself, especially Innocent his predecessor, not thinking it worth their while to use their mediation with their catholick sons, either for patching up a peace or a truce with France, after such impardonable injuries received by them from that common disturber of Europe, on so poor an account as the re-establishing of a prince so mixed and linked in the French interests, as he has scarce room left for their pity; nor is it the meanest jewel in the crown of our great and truly protestant defender of the faith, the glorious King William, to be the selected darling of mankind, to sit president of the great council of Europe, chosen by those princes of a contrary persuasion to be their leading worthy.

[Sion College Library, U. 5, No. 13.]

Lettre du Roy de la Grande Bretagne au Lord Comte Portland.

A Letter from the King of Great Britain to the Earl of Portland.

There can be no doubt that this letter is forged to afford colour to the sentiments which the Jacobites found it convenient to ascribe to King William, and to give rise to the reflections founded upon it.

Guillaume Roy.

Mon Cousin,

Quoy qu'avant vostre départ pour la Hollande je vous aye amplement expliqué mes intentions, je ne laissepas de vous écrire la presente pour vous faire part des reflexions nouvelles que ja'y faites depuis vostre embarquement; afin que les joig-

William R.

My Cousin,

Though before your departure for Holland I have amply explained to you my intentions, yet I thought fit to write to you this present letter, to acquaint you with the new reflections which I have made after your embarking; to the end, that,

nant à vos premieres instructions, vous en puissez tirer le fruit qui convient dans la conjoncture presente.

Plus j'envisage l'atteinte que la ville d'Amsterdam vient de donner à mon autorité, et le prejudice qu'elle peut porter au bien particulier de mon service, et à celuy de la Chrestientié; moins je puis me resoudre à me relâcher de mes droits, et à souscrire à la requeste de ces magistrats injustes et méconnoissans, qui oublient les services signalez que mes peres et moy avons rendus à cet etat depuis l'établissement de la republique, et se laissant seduire par quelques esprits seditieux et jaloux de ma grandeur et de mon credit dans ces provinces, profitent de mon absence et des engagemens dans lesquels je me trouve, et veulent faire revivre une pretention qui est aussi chimerique et aussi mal-fondée, qu'elle est injurieuse à ma gloire.

En effet, quiconque examinera sans prevention les titres sur lesquels cette puissante et seditieuse ville appuye le droit de se soustraire de l'autorité du statholder, les trouvera si peu solides, qu'il sera surpris qu'aucun homme sensé puisse y donner la moindre attention. Elle produit de pretendus privileges qui lui ont esté accordez en divers temps par Marie et par Philippe II. et qui ont esté confirmez depuis l'établissement dela republique par les etats mesmes au prejudicé d'un de mes ancestres. Elle allegue en mesme temps l'obligation à laquelle elle s'est engagée par serment solemnel à chaque mutation de magistrats, de maintenir les dits privileges. Pour détruire des droits aussi mal-etablis, il ne faut que consulter les loix de la republique, qui lors de sa fondation en supprimant le gouvernement monarchique, ont en mesme temps abrogé tous les privileges, et toutes les concessions accordées par les soverains; si cette abrogation n'a pas esté faite par des actes exprés, elle l'a esté du moins tacitement, parce que ces sortes de prerogatives ne conviennent point à l'état d'une republique, ny à l'égalité et à l'union qui doivent regner parmy tous les membres qui la composent. D'ailleurs, les pretenjoining them to your former instructions, you may draw from them that usefulness which is convenient in this present juncture.

The more I consider the blow which the town of Amsterdam has given to my authority, and the prejudice it may bring to the particular concern of my service, and to that of all Christendom, the less I can resolve to balk myself of my rights, and to stoop to the request of those unjust and ungrateful magistrates, who can forget the signal services which my ancestors and myself have done to this state since the establishment of the republic; and suffering themselves to be seduced by some seditious spirits, who are jealous of my grandeur, and of my credit in these provinces, do take advantage from my absence, and the engagements in which I am involved, and will needs revive a pretension as chimerical and ill grounded in itself, as it is injurious to my glory.

For whoever shall, without prejudice, examine the titles on which this powerful and seditious city grounds its right of withdrawing itself from under the authority of the stadtholder, will find them so little solid, that he will wonder any man of sense can in the least regard them. It alledges pretended privileges which have been granted to it, at times, by Mary and by Philip II., and which have been confirmed, after the establishment of the commonwealth, by the States themselves, to the prejudice of one of my ancestors. It alledges the obligation to the which by solemn oath, at every change of magistrates, it stands engaged to maintain the said privileges. Now, to overthrow these ill-established rights, there needs no more but to consult the laws of the republic, which, from their very foundation, by suppressing monarchical government, have, at the same time, abrogated all the privileges, and all the concessions granted to them by their sovereigns; which abrogation, if it has not been done by express acts, at least it has been made tacitly; because these sorts of prerogatives do not at all agree with the state of a commonwealth, nor with the equality and the uni-

dus actes que les etats ont donnez en divers temps en faveur de cette ville contre un de mes ancestres, ne peuvent pas estre des titres valables contre les droits de la charge de statholder que j'ay bien voulu conserver; puis qu'alors la republique estant encore naissante, on ne consultoit pas toûjours les loix et la justice dans les decisions des etats; on estoit obligé de s'accommoder au temps, et de souscrire aux demandes quoi qu'injustes des villes, pour ne point aigrir les peuples, et pour ne pas réveiller un reste d'inclination pour leurs anciens princes, qui n'estoit pas tout à fait éteint dans leurs cœurs. Ce que je vous dis est si vray, que depuis que le gouvernement a esté solidement établi, les etats reconnoissant l'injustice de certains actes que la necessité des temps avoit arraché d'eux, y ont dérogé sagement dans la suite. Je pourrois mesme pour aneantir ces pretendus droits, avoir recours à la prescription, puisque depuis prés d'un siecle ceux d'Amsterdam ne se sont point avisez de les faire revivre, quoy que l'occasion s'en soit presentée plusieurs fois pendant l'absence de mes ancestres, lorsque l'interest de l'etat les appelloit en un pais étranger, pour y commander les armées. Alors ceux qui exerçoient la magistrature á Amsterdam plus instruits de leurs devoirs, et moins ambitieux que ceux de ce temps-cy, ne croyoient pas que ce fust déroger aux droits et aux privileges anciens de leurs villes, que d'envoyer demander les suffrages du statholder absent, pour le choix des bourguemestres et des echevins. En dernier lieu mesme, lorsque le bien de mon service, ou celuy de l'etat m'ont appellé hors des ces provinces; ils n'ont fait aucune difficulté d'avoir recours à moy, comme au legitime dispensateur de leurs magistratures. Je reconnois á ce trait injurieux, l'ancienne aversion de cette ville pour la grandeur de ma maison, et l'opposition qu'elle a toûjours affectè de montrer á toutes les propositions que je faisois autrefois pour le bien de la republique; mais ce qui me surprend le plus c'est l'aveuglement des membres des etates, mesme des plus èclairez, qui se laissent fasciner les yeux par les insinuations trompeuses de cette artificieuse ville, et

on which ought to reign amongst the members that compose it. Besides, the pretended acts which the States have at diverse times made in favour of this city against one of my ancestors, cannot have any title to be held of weight against the rights of the office of stadtholder, which I have set myself to conserve, because the republic being at that time in its infancy, the States did not, in their decisions, always consult what was law and just; they were forced to accommodate themselves to the times, and yield to the demands of the cities, even though unjust, lest they should irritate the people, or awake in them a hankering inclination towards their ancient princes, which was not altogether extinguished in their hearts. What I tell you is so true, that after the government was firmly settled, the estates, being conscious of the injustice of certain acts, which the necessity of the times had wrung from them, did, in process of time, derogate from them. I could too, to shew the nullity of these pretended rights, have recourse to prescription; since, for almost an age after, they of Amsterdam did not judge it advisable to revive them, although the occasion was many times presented in the absence of my ancestors, when the interest of the state called them to a foreign country to command their armies; at which times they who exercised the magistracy of Amsterdam, better instructed in their duties, and less ambitious than those now-a-days, thought it no derogation from the rights and ancient privileges of their cities to send to ask the suffrages of the absent stadtholder for the choice of their burgomasters and sheriffs. Lastly, I could alledge, that when the good of my own service, or that of the republic, have called me out of those provinces, they made no difficulty at all to have recourse to me, as to the lawful disposer of their magistracies. This injurious treatment makes me reflect on the ancient aversion this city has had to the grandeur of my house, and on the opposition that it has ever designedly shewn to all the proposals I have at other times made for the good of the commonwealth. But that which surprises me

qui ne s'apperçoivent pas du piege qu'elle leur tend ; car elle les surprend avec adresse en revestissant son mauvis-dessein d'une fausse apparence de necessité et de justice, pour pouvoir plus impunement aneantir le reste de l'autorite du statholder, et introduire ensuite dans la magistrature des gens à sa devotion, dont les suffrages lui soient assurez, soit pour se separer de l'union des provinces, si elle le juge à propos, soit pour les engager à se separer de la ligue, et à conclure à sa faintasie une paix aussi honteuse que celle de 1678, en demeurant unie avec elles. Je ne sçay point quelle resolution les etats prendront sur une affaire aussi e delicate que celle-cy, mais j'ay peine à croire qu'ils imitent leurs predecesseurs, en acquiesçant contre moy à l'injustice et dangereuse demande de cette ville, et qu'ils manquent en cette occasion au respect, à la consideration et à la reconnoissance qu'ils me doivent ; je scay bien que s'ils prenent ce party, je ne seray pas si traitable, ny si complaisant que celuy de mes ancestres, à qui ils firent ce passe-droit : Comme ma fortune, mon elévation, et mon caractere, sont infiniment audessus de ceux dont il estoit alors revestu ; ils doivent aussi s'attendre un ressentiment different et proportionné à mon rang et à mon genie, et compter que quand un roy a bien voulu s'abaisser jusques à ne point mépriser l'employ de leur statholder, non seulement ils ne doivent pas penser à en diminuer l'authorité et les prerogatives, mais qu'ils doivent au contraire en mesurer l'étenduë à la grandeur et à la majeste royale. Je ne suis pas cependant si peu informe de mes veritable interests, que je nescache que mon sort est comme attache à l'amitie et à la protection des etats, et que lors que je hazarde de me broüiller avec euz, je commets mon établissement en Angleterre, dont vous connoissez aussi-bien que moy l'incertitude et le peu de solidité. Mais il n'importe, quelque risque que je puisse courir ; il n'y a extremité à laquelle je ne me porte pour soûtenir mon rang et ma gloire ; quiconque a osé entreprendre l'affaire d'Angleterre peut n'estre pas aimé, mais il doit estre craint et menagé. Qui a scû reduire la ville de Londres du moins aussi

is the blindness of the members of the state, even of those who are the most judicious, who suffer themselves to be bewitched by the delusive insinuations of this crafty city, and are not aware of the snare that is laid to entrap them ; for they surprise them by cloaking their wicked design with a false appearance of necessity and justice, that they may with more impunity destroy what is left of the authority of the stadtholder, and thence to introduce into the magistracy people devoted to them, of whose suffrages they are assured ; whether it be with intent to separate itself from the union of the provinces, if they judge it convenient, or to engage them to depart from the league, or remaining united with them, to conclude a peace at their pleasure, as shameful as that of 1678. I do not know what resolution the States will take in so tender a business as this is, but I can hardly believe that they will imitate their predecessors by condescending, in opposition to me, to the unjust and dangerous demand of this city ; or that in this occasion they will fail of the respect, the consideration, and the acknowledgement they owe me ; but this I know for certain, that if they side with that party, I shall not be so tractable, nor so complaisant, as was that ancestor of mine, to whom they did the same injustice : As my fortune, my elevation, and my character, are infinitely above those he then wore, so they ought likewise to expect a resentment both different and proportioned to my rank, and to my genius ; and to reckon that when a king has been pleased so to abase himself as not to despise the office of their stadtholder, not only they ought not to think of diminishing its authority and prerogatives, but, on the contrary, that they ought to enlarge it in proportion to the grandeur and sovereign majesty of a king. Yet I am not so little seen in my own true interests, as not to know that my fortune is attached to the friendship and protection of the States, and that when I hazard to embroil myself with them, I at the same time endanger my establishment in England, which you know, as well as I, how uncertain and weak it is. But 'tis no mat-

sauvage et aussi difficile à gouverner que celle d'Amsterdam, peut bien mettre cette derniere ville à la raison, et a la faire repentir de son ingratitude. Entrez dans mon esprit et dans ma pensée, et insinuez vivement aux etats la ferme resolution que j'ay prise de ne me point relâcher de mes droits, s'ils ne me rendent pas la justice qu'ils me doivent. Le ressentiment que je seray esclater contre eux m'affermira sur le Trône; car enfin je connois l'ancienne jalousie des deux nations l'une contre l'autre; je sçay que le commerce a toûjours esté la pomme de discorde entre elles, ainsi je ne doute pas que la proposition de ruiner le commerce de Hollande ne soit agreable reçûe en Angleterre, et ne reunisse en ma faveur les Anglois, auprûs desquels les engagemens ètraits que j'ay avec les etats, me rendront toûjours suspect. Vous m'allegueriez sans doute que la France ne manqueroit pas de profiter de ce desordre, et qu'enfin le malheur en retomberoit peut-estre sur moy; j'en conviendray avec vous, mais on sacrifie souvent la politique à la vengeance, et cette couronne qui est peut-estre moins agrie contre les Anglois que contre les Hollandois, qu'elle regarde comme les instrumens et les moteurs de cette guerre, suivroit peut-estre les mesmes maximes, pourvû que d'ailleurs elle y trouvast également son compte. Je remets à vostre prudence la conduite de cette affaire, et vous recommande de vous servir de toute vostre addresse, pour la faire reüssir á mon avantage; mais sur tout apprenez á connoistre le caractere des republiques, auprés desquelles il faut moins employer la douçeur que les menaces; la premier voye les rendant ordinairement fieres et intraitables, et l'autre produissant un effet contraire. Sur tout, ne recherchez point avec trop d'empressement les amis et les serviteurs que j'ay en Hollande, car quelque affectionez qu'ils me puissent estre, quand ils ne sont pas contenus dans le devoir par ma presence, ils sont toûjours Hollandois, c'est à dire republicains, ennemis du statholder, et susceptibles de l'esprit seditieux des anciennes factions, que vous sçavez n'avoir pas esté entierement étouffées dans le sang des De-Witt; ce que je vous dis, n'est pas

ter; let me run what risque I will, there is no extremity which I will not undergo to maintain my rank and my glory. Whoever has been so hardy as to enterprise upon the affair of England, cannot hope to be loved; he ought to make himself feared and humoured. He who knew how to reduce London, a city at least as wild and as hard to govern as that of Amsterdam, will easily be able to bring this latter town to reason, and make it repent its ingratitude. Enter well into my mind, and into my thoughts, and insinuate feelingly to the States the firm resolution I have taken not to abate a tittle of my rights, in case they should refuse to render me the justice which they owe me. The resentment which I will flash out against them, will perhaps gain me credit in England, and make me stand firm upon the throne, for I am not to be taught the ancient jealousy of the two nations against one another; I know well that trade has ever been the apple of discord between them; whence I cannot doubt but the proposal of ruining the trade of Holland will be very welcome to England, and will re-unite the English in my favour, with whom the strict engagements I have with the States will always render me suspected. You will, I doubt not, alledge that France will be sure to make its advantage of this disorder, and that the mischief will, at last, possibly fall upon me. I grant it; but men often sacrifice their policy to their revenge; and that crown, which is perhaps less exasperated against the English than against the Hollanders, whom they look upon as the instruments and inciters to this war, will, it may be, follow the same maxims, so it can in other regards equally find its account in it. I leave the conduct of this affair to your prudence, and recommend it to you to use your best dexterity to make it succeed to my advantage; but, above all, learn to know the character of republics, with whom 'tis less effectual to use sweetness than menaces; the former method does generally make them fierce and untractable, the latter works a contrary effect. Particularly, do not too earnestly court those friends and servants which I had in Hol-

seulement fondé sur la connoissance particuliere que j'ay du genie de ces peuples, mais encore sur les avis que j'ay receûs de ceux qui par devoir ou par inclination me sont le plus affectionnez; qui au lieu de detester un pareil attentat, et de me'exciter à la vengeance, me convient mollement à soûtenir mes droit, et me font tacitement connoistre que l'acquiescement qui viendroit de ma part, serois plus de leur goust que l'opposition et la resistance; tant est grand l'aveuglement des peuples, qui ont en general une aversion naturalle pour leurs superieurs, quelques bien-faits et quelques services essentiels qu'ils en ayent reçus.

Si vostre negociation reûssissoit comme je le desire, quoy qu'entre nous je n'ose l'esperer, parce qu'il me paroist un concert ferme entre ces gens-la de diminuer l'autorité du statholder, et que d'ailleurs le long commerce que j'ay eû avec eux, m'a appris que je n'y pouvois prendre que tres-peu de confiance, lors qu'il s'agissoit de leur interests. Sollicitez puissament les etats de m'envoyer au prin-temps prochain, s'il est possible, un renfort de troupes Hollandoises, pour employer à la conqueste du reste de l'Irlande, et representez leur vivi-ment; non pas tant par rapport à moy parce que cela pourroit leur estre suspect, que par rapport de la guerre dans laquelle ils sont engagez contre la France, et à la diminution de la dépense, qui est, comme vous sçavez, un puissant cherme pour eux; que sans ce secours, que j'offre d'entretenir à mes dèpens, j'auray peine á venir à bout de mes desseins, et a consommer heureusement cette enterprise. Menagez pendant cette negociation avec beaucoup de delicatesse et d'habilité; car si vous témoigniez de l'empressement, ils sont assez soupçonneux pour croire que je leur ferois cette demande plûtot pour me rendre maistre de leur forces, et pour les reduire à se souland; for, however affectionate they may be to me, yet when they are not kept within their duty by my presence, they are still Hollanders, that is to say, republicans, enemies of the stadtholder, and susceptible of the seditious spirit of the old factions, which you know have not been yet perfectly quenched in the blood of the De-Wits. What I tell you is not only grounded on the particular knowledge I have of the genius of these people, but also on the advice I have received from those, who, out of duty or inclination, are the most affectionate to me; who, instead of detesting such a procedure, or exciting me to revenge it, wish me to maintain my rights with sweetness, and in soft terms give me to understand, that acquiescence on my part will better please them than opposition and resistance. So great is the blindness of people who have generally a natural aversion to their superiors, what benefits or essential services soever they have received from them.

If your negociation succeeds, (though, betwixt ourselves, I dare not hope it, there being, as appears to me, a firm resolution concerted among those people to lessen the authority of the stadtholder; and, besides, by long converse with them, I have learned that I can put very little trust in them when their own interest is in agitation,) then solicit the States with all your power to send me next spring, if possible, a reinforcement of Holland troops, to be employed in the conquest of the rest of Ireland; and represent it to them lively, not so much for any regard it has to me, because this may breed in them some suspicion, as in reference to the war against France in which they are engaged, and to the retrenching the expence, which you know is a powerful charm with them. Tell them that without this succour, which I offer to maintain at my own cost, I shall have great difficulty to compass my designs, or bring this undertaking to a happy end. In the meantime manage this negotiation with all chariness and dexterity; for if you shew an earnestness in it, they are suspicious enough to apprehend, that I make this demand to them more to make myself master of their forces, and to bring

mettre à mes volontez, que pour terminer l'expedition d'Irlande. Cependant quoy que j'aye pris de mesures pour tirer des troupe d'Allemagne, je ne me sçaurois que difficilement passer de celles de Hollande; car sans cela, veû les renforts considerables que le roy tres Chrestien se dispose à faire passer en Irlande, je serois obligé d'avoir recours aux Anglois, que je n'oserois armer non plus que des furieux, et desquels je ne dois pas attendre plus de fidelité et d'affection, qu'ils en on témoigné au Roy Jaques mon predecesseur lorsque je suis entré en Angleterre; sur ce je prie Dieu, mon cousin, &c. à Vitehal le 20 Janvier, 1690.

GUILLAUME.

them to submit to my will, than to finish the expedition for Ireland. Now, though I have taken some measures to draw troops out of Germany, yet I cannot without difficulty want those of Holland; for, without those, considering the reinforcements which the most christian king is preparing to send into Ireland, I shall be put to have recourse to the English, who I dare no more arm than so many madmen, and from whom I ought not to expect more fidelity and affection than they shewed to King James, my predecessor, when I came into England. For this end I beseech God, &c. Given at Whitehall, the 20th of January, 1690.

WILLIAM.

Reflections on the foregoing Letter.

IT is neither flattery nor pique to any party which made me translate and publish this letter. I am an Englishman, and only the sincere love of my country was the motive which induced me to meddle with such a dangerous business. I am sure no other consideration did influence me but a due regard to the good of England, whose miseries now cry so loud, that they awaken every true son of hers to seek her redress, by communicating to many what is the common concern of all. The letter itself is so natural in all its parts and circumstances, that it vouches its own reality to every intelligent reader; and the original is producible when it may be safe and prudent.

The contents of it lead us to reflect on the genius of the inditer; what Holland thinks of him, what he thinks of England, and what England must expect from him. We were made believe that he was far from any selfish ends, but came over out of pure zeal for our religion, laws, liberties, and properties; but this letter, the true index of his mind and most inward thoughts, (as being writ to his most intimate friend,) plainly discovers a temper solely bent to pursue his own private grandeur. It is, from first to last, an ambitious and most anxious anhellation after his own private glory; and with that transport as to disregard the ruining himself, and sacrificing all his other engagements and pretended general goods, rather than to suffer the diminution of the least tittle of it. The Hollanders had, to their cost, had experience of this haughty and arbitrary humour, which threatened the ruin of their government, and therefore had the wit to send him over to us at our charge, and, when he was gone, to wipe their hands of him: They were so prudent too as to consider, that since King William owed more to England than to them, he could not possibly be true to both, but must divide his kindness (perhaps unequally too) between them and the English. And have not we the same reason to be jealous of his heartiness to England, seeing that he set such a value on the office of stadtholder, (the keeping or losing which depends on their pleasure,) that he will hazard all, rather than one jot of that authority should be baulked

him? He threatens to bring their trade to England if they do not comply; and if he can do this favour, (as he grants,) why does not he actually do it? I am sure England, thus loaden with heavy taxes, and impoverished with frequent losses, and an infinity of poor foreigners hanging upon her, does exceeding need his favour in that particular. Is not this to tell us in plain terms, that he will not do what he can for England, in case the Dutch will but carry it civilly with him? and to confess that he has been hitherto but half friend half foe to us in that our main concern? To what degree he has assisted us in this, the impoverished merchant, and decay of trade, will feelingly inform us, without need of the letter of *Min Heer* — to *Min Heer*,[1] which lays it open at large. But certainly that people must be very unhappy that has made choice of a king, whose interest obliges him to be indifferent, and a kind of neuter between them and those who are competitors in that which is the most stable subsistence of the nation, and the main fund of their riches, and consequently of their power. This letter plainly shews us, that his circumstances force him upon the policy to let his protection hover, with doubtful wings, betwixt the two nations, (as it does here between the church of England and the dissenters,) and they who please him most shall partake the greatest share of it, but he will be entire to neither.

And yet, if gratitude may sway with him, England may still with all reason expect that this son of glory will shine with a fuller aspect upon it than upon the Hollander, since they have disobliged him; whereas we on the other side have obliged him infinitely, for we have abdicated our lawful prince, and accepted him, though a foreigner, for our king: To do this we have violated the most fundamental laws of England, by traversing the immediate succession. We have engaged ourselves in the costly, dangerous, and (in likelihood) the lasting war of the confederates against France, which we were free from before; a blessing to England, which (amongst diverse such others) he brought over with him. We have exhausted ourselves, to give him vast sums of money, besides what we have kindly lent him out of our pockets, and, as things stand, upon very slight security. We have raised him great armies of soldiers, to keep him in the throne, if we can, and have reposed such a trust in him as to let him bring in as many foreigners as he will; nay, so many, that, siding with the government, they were able, if he pleases, to subdue England. We have broken our oath of allegiance to King James, nay, that of supremacy too, by bringing in a new king by election, which makes the people absolutely supreme and king-makers. We have suspended, if not renounced, the avowed principles of our protestant religion, indispensable allegiance, and have more than cracked the commandments themselves. Lastly, we have slighted, and wilfully shut our eyes against God's astonishing and most evident judgments of diverse kinds. All this, and many other such like extravagant kindnesses we have done for him; and Holland has not done one jot of all this; and what is our reward?—The highest and utter disconfidence in us, and the highest confidence placed in the Dutch. We English are looked upon and characterized by him as *tant de furieux*, so many madmen, not at all to be trusted with weapons in our hands, and upbraided for deserting our own king, and running over to him. Those sober men, Danes, Germans, and Hollanders, may be suffered to handle edged tools, but not Englishmen by any means, in case enough of other nations can be hired for our money. And what is the plain English of this, but that those out-landish forces shall govern England, or he govern it by them? We madmen are good for nothing but to be shackled, manacled, tied up, kept in the dark, (which we have been sufficiently,) lest we hurt ourselves or others; we are to be kept at spare diet and hard fare; good feeding will increase our distemper, and make us pampered, fierce, haughty, and ungovernable. The city of London is (as he says) wild too, nay, at least as wild as Amsterdam; (which is described here

[1] See a preceding Tract bearing this title.

to be little better than extravagantly mad;) yet he brags he has reduced, that is, tamed, that too: And it is true, for nothing tames rich men so much as poverty. The lieutenancy is doubtless wild also, and therefore it is to be shifted to and fro, that one side may tame the other. Yet London is not tamed half enough. Four (some say five) millions are owing already, and yet there needs two millions more for his present occasions to carry on the war; and this money, and (in likelihood) twice as much more when that is spent, must be had on some fashion; but how? The country is already at the bottom of its purse. Universal excise is so perfectly Dutch tyranny, and so unheard of here, that it will never down with the English. What remains then but that our magazine of money, London, is to be in due time rifled, the wit of man cannot imagine: Talk not of law; necessity, that knows none, will demand it; and a necessity too the most pressing and extreme that can be; for otherwise the war against King James cannot be upheld, and so the grandeur of the Tamer would be abased, the high elevation depressed, and the glorious character darkened and defaced. In such a desperate case, then, immense sums are absolutely needful; and when the lending hand draws back, for fear of none-solvency, necessity will be put to speak in its own language, and cry, I must and will have it. And how must it be extorted? Not by our own countrymen; this cannot be expected; it can only then be wrung from us by foreign hands, and by the help of those sober men above-mentioned, whose prey, though they whet their courages first in Ireland, England is in all likelihood designed to be: For, if the great commander of them and us be (as himself has told us in this letter) so over fond of glory, and hurried towards it with such an impetuous affection that he will hazard his own ruin rather than abate one tittle of the (in comparison) contemptible authority of the stadtholder of Holland, do we think he will stick to ruin us, rather than lose the majesty of a sovereign King of England, Scotland, France, and Ireland, which he esteems to be infinitely above his former condition? And by what means can he do this, and wreak the revenge he so threatens to the diminishers of his glory, but by outlandish instruments? All which duly considered, I see no reason why we should not be as jealous as the Hollanders, and more justly fear that he sends for their forces more to subdue us, and make us submit to his will, than to finish the expedition for Ireland.

In a word, he declares himself utterly disconfident of the English as of so many madmen, and that he expects not that they will be more faithful to him than to King James when he came over: he confesses he cannot be loved in England, after his bold attempt upon it; which shews it impossible he should love England, that cannot love him. He declares, that it is his proper method of ruling it, and his best play to make himself feared, which shews he looks upon himself as disobliged by us; and what severe revenge he breathes out against his disobligers, his own angry expressions inform us. And by what means can he think himself able to make Englishmen fear him, and (if need be) to revenge himself upon them, and to get money to support himself by carrying on the war, but by foreign forces subduing and enslaving us, and then paying themselves when we will not, or cannot? *En qua discordia cives perduxit miseros, en queis consevimus agros!*

[*From the late Earl of Oxford's Collection.*]

Reasons for a new Bill of Rights: Humbly submitted to the Consideration of the ensuing Session of Parliament. By Sir Bartholomew Shower, Bart. 1692.

No reign abounded so much as that of William with pamphlets written against the government in the most daring tone. It was in vain that a proclamation was sent forth against libels, threatening pains and penalties to the authors and publishers, and offering to informers a reward of fifty pounds in every case of conviction. And, to render the censure more marked, a similar proclamation was issued in the same gazette against highwaymen, the reward for whose apprehension was rated ten pounds lower than that for detection of the libeller. Yet the press continued to groan not only with Jacobitical pamphlets, but with those of the malcontent whigs, and with others, which, without treating of the right of the king, had only in view the grievances of the subject.

Among the Jacobite tracts, Ralph distinguishes that which follows, as being apparently occasioned by the numerous and arbitrary commitments of the preceding summer. The author accordingly insists, first, for a new effort in favour of the bill for regulating trials in the case of treason, as a necessary security for the life of the subject; *secondly*, for security of the subject's estate against the prerogative court of chancery; *thirdly*, for liberty and security of the subject's person against encroachments of power, on which he dilates at great length. Ralph has inserted a summary of the arguments used by the author in his history, vol. II. p. 383.

CONSIDERING the many impetuous and convulsive struggles which this land hath so frequently groaned under, between the people and their prince, and that some persons of honour, sense, and sagacity have always been engaged in those convulsions, it must provoke an agony of wonder, that no more or better provision is hitherto acquired for the insurance of men's lives, estates, and liberties.

The defect can be ascribed to no other original than the sudden cesser of violent and eager essays for that purpose, which violence is seldom durable, and therefore the occasion of its own disappointment. But now, in the present circumstances, when a foreign war hath employed the warmer and more sanguine part of mankind, and an entire calm o'erspread the face of domestic councils and affairs, the season perchance is arrived for a mature and sedate, and consequently successful, consideration of sound, proper, and true methods to secure ourselves and posterity in these particulars.

However, a provocative of this kind can never be unseasonable; though provisions of money in the approaching parliament will be one thing, yet it cannot be the only one necessary, especially when a flaw in our title to any of these ingredients of bliss destroys the necessity of that. It is therefore to be hoped that the courtier, statesman, and officer will permit the country gentleman, in some soft degree, to attempt the supply of his own, as well as their occasions; nor can the proposal of the one obstruct the just progress of the other; for it is the old fundamental doctrine of a true English parliament, that they should always concur, and now there's reason and opportunity for both.

To obviate prejudice and objection against a perusal or regard of the following lines, it may not be amiss to premise, that the author is neither republican nor enemy to the present establishment; nor can the usual artifice of nicknaming a proposition as anti-monarchial, render it the less acceptable to him that's concerned, as every Englishman formerly was, is to-day, or may be to-morrow, in this: It is too well known to have been an ancient, as well as modern court trick, to advise kings from encouraging, and the commons from prosecuting, of a full security by just and rational means, with the terror and dread of a commonwealth, as the unavoidable consequent of a true liberty, though whoever knows men in England, must also know that figure of government here to be impracticable: But methinks since the discovery of priestcraft in religions, and the detection of intriguery in state-matters, men should be wiser than to slight or reject endeavours for their own happiness, because of names, titles, or epithets, if of an harsh sound, though improperly applied.

I am sensible of another objection from the Bill of Rights, but surely that scruple vanishes upon the first reflection; for the nicety of the then circumstances, the multitude of incurring exigencies both at home and from abroad, may well be agreed to have hindered a plenary, or sufficient comprehensive thought of all our then grievances: It must be confessed, that the instances there mentioned are considerable and great, and the provisions made for them are useful and good, though too generally expressed, and perhaps obnoxious to some different constructions, whensoever reduced and applied to particular use: the settlement of religion and churchmen's property by those items is politic and happy; and, in truth, the bill doth extend to little more than that and the health of corporations; but the acquirement of those reliefs was never intended to be exclusive of more, if more appeared necessary. The private lay-gentlemen deserve some consideration, for their number exceeds both clergy and officers, though the latter are sufficiently numerous; nor is the balance of the gentry inconsiderable in the government.

Another cavil is expected at these papers as needless; because the judges are fixed and free from temptation; their patents are not now upon pleasure, and those at present in B. R. (where the ensuing queries do most frequently arise, and are most properly determinable) are persons endued with learning, probity, and resolution.

Agreeing all this, and more, that they are, and so indeed they are, the glory of the whole Revolution, it doth yet still remain worthy of a thought that they are mortal, and another king may arise in Israel that may make another choice; and notwithstanding they should be more dependent, through the certainty of their office and salaries, than formerly, yet it may be of men temptable by the accruer of a greater pension or the like. It cannot be forgot what some ministers have rung in the ears of former princes, that hearts, not heads, were necessary for that court; that the humour of the man, and not his knowledge in the law, was the most considerable in the election of a judge; that complaisance to prerogative was a much better quality than that of a judicious and crabbed, if stubborn lawyer. But further, we should deserve the pity of fools, if after so much treasure and blood spilt for the redemption of liberty, the same should be ascertained by no better a fund than the lives of three men at the present in power; nor can their preservation ensure Englishmen against hardships in the subsequent cases; for this proposal evinces the imperfection of our laws as now received and practised, and the necessity of another statute to explain or amend them; and therefore this objection is an argument rather to enforce than to discourage the prosecution on't; for sure we are these judges will, and must, (as by oath obliged,) observe those rules: And from thence springs the true cause for new, but better provision. Nor do those remarks aim at, or import reflection upon the present practice, but merely endeavour to demonstrate the necessity of a law or two more. Now new laws do not always suppose faults in fact, but many times in posse; they are as often made to obviate as to relieve

against grievance and oppression; and, were it otherwise, this is no more than every act of parliament past hath done, and therefore such new law (as is here contended for) doth still appear necessary.

Now for Particulars.

First, As to life: The late bill for regulating trials in cases of treason is a clear evidence of the imperfect defence which the laws in being afford to men's lives; the misfortune which attended that bill doth call for a reinforcement of that design; the opposal it met with (considering the persons who made it) doth, in a demonstrative manner, declare its conveniency and necessity; and therefore the honest part of the nation do hope that the next session will pass that or another such; nor is there any reason to despair on't, unless men improve in their fondness of danger, even of death; for no person living can be undoubtedly secure, that he never shall become or be deemed a mal-content, both which are one in point of danger. As to the pretended reasons against such relief, a line of answer is more than they deserve; but, however, to propose some hints convictive of their weakness may not be improper: It argues some defect in thinking to pretend that the 25th of Edw. III. hath governed our forefathers, and hitherto to the present age, and therefore we need no other law; for might not this objection have damned the petition of right, or any, or every other act of parliament, because we had a Magna Charta before; besides innovation, and the dismal consequences on't, was always a bugbear both in church and state, to prevent alterations even for the better; but wise men, if honest, have as often contemned the pretence as ever 'twas objected, or otherwise we should have wanted that pittance of security which we have acquired already; but do hope to increase. It is manifest, upon the first, second, third, and every reading of that statute, that 'tis a general, uncertain, and obscure provision; sufficient confusion, doubt, and contradiction hath there been in expounding it; the chronicles and reports of every age since Edward III. proves this, nor can our own observations fail of furnishing us with arguments of infinite difficulties resulting from that law, and many with semblance of reason and authority on both sides: The late paper skirmishes about the unhappy Lord Russel's case do prove the need of a new explanatory, directive act; as also the new notions vented in the Earl of Stafford's case about witnesses to several facts, or rather circumstances, which have precedented it almost to every subsequent trial. Then, in the name of God, what harm can accrue to the public in general, or to any man in particular, that in case of state treason counsel should be allowed to the accused? What rule of justice is there to warrant its denial, when, in a civil case of a halfpenny value, the party may plead either by himself or advocate? That the court is counsel for the prisoner can be no effectual reason, for so they ought to be in every action, unto each party, that right may be done; but the Frenchman's remark upon this phantom, for 'tis no more, hath sufficiently censured it, "That my counsel ask no good questions for me, my counsel make no good sign for me, me no like my counsel:" And it hath too often proved according to that poor fellow's observation, nothing but practice: "No written law excludes from counsel in any case," (says the great and late honest Coke); and there is the same pretence for denying a copy of the indictment, though that has been granted in case of felony in one Bothe's case, the which is in a book, called, "More's Reports."

But some bold whisperers do pretend, that the times are, or may be dangerous; the crown ought to have a power to support itself; this will make convictions difficult; the government must sometimes have a lift; there must be methods to lop off an enemy, or the head of a party now and then; and there is no better convenience for it than a doubtful law; and therefore no explanation or amendment is politic.

'Twas thought that these principles had been abdicated with the late king; but since their renewal calls for an answer, I'll briefly observe to those which vent them, That all human affairs are so unstable, and courts under several, nay, under the same sovereigns, do so often change interests and inclinations, and consequently parties, that 'tis possible a malicious chance may make the enemy's lot to become the objector's; and so hath fate most frequently doomed it in a most smart and exemplary form upon the opponents of their country's liberty, that they have been lashed with that very rod which they have refused to remove; have endured that very oppression which, when in their power, they denied to redress. English story is too full of such instances, and God forbid the increase of them again.

This objection is absurd, and subverts fundamentals; for in such extraordinary emergencies of state and consequence, the parliament is, or ought to be at hand: The use of that assembly is not barely the gift of subsidies, but to help the king and people according to their respective occasions; and there is the crown's recipe; impeachments or bills are his infallible remedy: And our constitution never intended any other relief in cases of such difficulties, than that of a parliament. Then, if we consider the strict rules of common natural justice, 'twill appear much more eligible, that sundry offenders should escape than one innocent should suffer; for that such cases admit of no restitution, the reversal of an attainder injuriously procured cannot render a satisfaction; the head returns not to the shoulders, nor life to the party, though the title be restored to the name, and the estate to the son of such a martyr.

It is evident, beyond contradiction, that within twelve years past, many would have resigned the half of their estates for the procurement of such a law, as now (to the wonder of the nation) themselves have opposed: The fact admits of no reason but revenge, or the change of their principles upon the occasion of power and employments, each whereof is alike unmanly, and therefore unwarrantable; but methinks they should consider, that they are not certain of the stability and continuance of their present settlements, much less of their interests, and the same occasion as formerly may in future ages revive, and then the reviver of complaints with their suffering may be fruitless and vain, when the opportunity of relief is fled and gone; not good hopes concerning future administrations but good laws only, that can give a plerophory or full assurance of security. Now is the season, if ever, for a fixation of our franchise from the perils, from the actual endurance whereof we are but just delivered. It may be presumed, that the late turn of our English affair is not yet banished our memory, nor the end of the change buried in oblivion; and the present proposal was unquestionably one design of the Revolution. The convention of the estates of the realm in 1688-89, intended somewhat more than the ejection of thirty or forty fat officers, and the preferring as many others in their places, though of the more intelligent and honest principles; for these are still men, and liable at least, I will not say prone, to human infirmities; and though not possibly equal, yet like to those of their predecessors. The purpose of the nation's wisdom was to gain a security beyond the reach of construction, power or craft, to evade; and if the same be not hitherto accomplished (which whether it be or not, let the reader be judge). It is now therefore the duty of all sincere and true Britons, to endeavour the perfection of such their security against every of their former, or the like mischiefs; the necessity of the war summons a parliament for supplies, and this renews our opportunity for to finish the intended errand of the first assembly after the abdication. "This is the time," said a great man upon a less occasion, and every man may say the same now, and with more reason. Then as to the second, concerning our estates.

It cannot be denied, that both law and equity do in their practice need a regulation: the exorbitances of that prerogative court, called Chancery, do loudly cry for a bridle, and that by an act of parliament: There 'tis that the single and sudden thoughts of a

keeper are the only rules for justice, and the power is but *durante* (it must not be said) *secundum bene placit' R.*; and this may caveat the rich and bulky to promote some moderate reformation of that court, or else to resolve, that his quarrel shall never be with a courtier, and that he'll never incur the unfortunate character of disaffected to the government; for it hath been formerly, and may be hereafter very easy, with one of those monosyllables, fraud and trust (which have already almost devoured every other title in the law) to decree such a one a beggar; nickname his purchase and his estate doth instantly change its owner; then if a commoner prove his adversary, whose inheritance commands a borough, the wretch is remediless, and his beggary everlasting; for there's no appeal but in parliament, and with his hopes of relief commences privilege, and then he must wait, at least till the issue-male of the family be extinct, and that is too long an expectancy to be called a relief. To expose the dilatories and expences of that court is a province much fitter for some lawyer's pen than mine: My only remark is this, that that court is too dependent upon another, that its power is too arbitrary, and its pretended rules too uncertain; and although the probity of the present keepers do prevent mischief at the present, yet future reigns may use creatures of a worse kidney, and to worse purposes, and then the authority of the seal, as now in practice, will afford opportunity to do mischief more than sufficient. Then for the law, it must be agreed to stand in the like need of a purge too; but such topicks would be proper to employ the head of some practitioner, whose experience capacitates him to discover its blind side and corruptions: That which I observe is this, that there wants some act to facilitate the practice of attaints, by allaying the severity of the judgment therein, and then we might hope to see corruption of standing juries reformed, and the consequences of that corruption banished too, viz. the forced practice of granting new trials, when the verdict displeases the judge, though the fact be not within his sphere. At our assizes I have for several years observed a great uncertainty in the rules of evidence, in the gift of actions, and in the notions both of titles of land and property in goods; every circuit perhaps differing from the last; but that seems ascribable to the great latitude given to the sudden opinion of a judge by the predominant increase of general issues, which leaves too much at the discretion of a single person. These, and many more hints might be given of this kind; but of this enough, for they are trifles to my last and chief topic, because concern but a few; for men with temper and wisdom may easily prevent the plague of lawsuits, and the want of one of them is generally the cause of vexation either by common law or Chancery; but there's no fence against imprisonment, for the cast of a man's eye, the smiles or frowns of his face, entire silence or too much or too little speech, as the company pleases to interpret and represent, may raise suspicions concerning principles: If he keeps company he is judged by the humour of that, if he keeps none he's thought reserved, and therefore the more dangerous; if a maggot in his head or a fanciful thought in his brain occasion a laugh when ill news is arrived to the court, or if the disasters of his personal or family concern, or a pain in his body, provokes a sour look upon the talk of a victory or the like, these and a thousand more such are badges of malice to the government, where construction is at liberty; so that the following doubts are of consequence to every one.

Thirdly, Liberty of person. 'Twould be subject of ridicule and jest to attempt the conviction of our countrymen, that liberty is pleasant, and to preserve it deserves our care: It's one of our first principles co-natural to an English heart, to be tender and jealous of its loss and abridgment. The contentions here both with tongue, pen, and sword for its continuance hath proved such a theme needless; our Magna Charta places the contrary in equal rank with disseizin and exile, both which are sufficiently odious, the one depriving a man of his country, the other of his fortune; and this debars him of the pleasure, nay use, of both. 'Tis pretended by all the judges, that liberty is the darling of the law, and restraint the badge of bondmen and vassals; but the

practice in almost all ages hath given the lie to such pretence; for nothing hath been so often and easily lost, to peers and commons, to the grandees and the peasant, upon every little or no suspicion, as personal liberty: That particular piques, or private malice of state-ministers, or perchance that which is less cause, the insolent humour of commandments in power, or the generous behaviour of a gentleman, with its usual attendant popularity, (which is always an eye-sore at court), or the fears of statesmen, though resulting from their own weakness, when there's no danger, or from their own false steps in government. Where there is these and such like occasions, have frequently goaled great numbers of the best part of the nation in all ages. It must be impertinent to recollect instances, since members of parliament have not been free even in parliament time; as for the oppressions of which imprisonments, whosever hath suffered them is sufficiently convinced, and he that hath not, may easily conjecture; for much the greater part of the nation, either by themselves, or their friends and acquaintance, hath experimented the pleasure of such forced retirement within less space than forty years past, and therefore I'll forbear to enlarge on't.

The cause of this grievance hath sprung from the imperfection or uncertainty of our laws concerning this subject; the questions about it in Car. I.'s time were so fiercely debated, not only within the walls of the Commons' House, but in the press and field too, that their notoriety recalls them to every man's remembrance; the opinions of parliaments was always against indefinite, general, or causeless commitments, but no man imagined himself secure till the late Habeas Corpus act, which inflicted penalties upon its violators, nor hath that accomplished the design of ensuring a true liberty, as I shall now endeavour to demonstrate. That this act was, and is a wholesome law, cannot be denied, and 'twas worth the price it cost; but yet another will deserve twice as much, for the former is deficient to a great degree. To convince that it is so, let it be considered that 31 Car. II. did that statute pass the royal assent, and since that time five hundred persons to one have been committed more than ever were tried, or so much as indicted. It is observable that, every year or two, a dozen or twenty lords are usually shopt, together with incredible numbers of the greatest commoners, over and besides the small fry of, &c. Halls and churches have been turned into prisons, when the common gaols were crowded even to the danger of infection; and I am apt to believe that hundreds have been committed without oath, and consequently without just cause of suspicion; for there ought to be oath of that fact or circumstance which rendered the party suspected: And this is the first defect in the statute, that it doth not enjoin an oath to be mentioned in the warrant, which is unquestionably consonant to reason, that the person and his judges may become privy to the true reason of his commitment; perhaps it may not be for the service of the crown to name the informant upon the first accusation, but that no commitments ought to be without oath first made, is certainly law; and an injunction to mention an oath in the warrant, together with a penalty for imprisonment without oath in writing, will make the ministers concerned more cautious in cases of liberty: nor can any reason be assigned in nature why privilege should not be denied by act of parliament, in case of the violation of the subject's freedom, which is and ought to be dear to us all. The end of frequent parliaments is for maintenance of personal liberty, and why such frequency should hinder suit for encroachments on that liberty, the reason is behind the curtain. Another fault is, that the cause of commitment is not enjoined to be specially signified; charged for compassing the king's death, or adhering to his enemies, is in truth no more special or plain than to say for treason, for there are a thousand acts and ways of doing both these, and those dependent upon construction, so that a man is not a whit the better informed to prepare for his trial or defence by the one than by the other; for when he considers of one action obnoxious to strain, another, a third, or a hundredth, may be trumpt to his charge; the end of that provision certainly was to have

the fact known whereof the party was accused. Again, Warrant to seize being charged for high treason "in compassing or adhering, &c. and to bring before me to be examined," and such messenger to detain for days, weeks, and months, seems somewhat unreasonable, when the party granting such warrant expresses himself doubtful in his judgment concerning the charge, and the fact indeed to need an examination, yet this case is not bailable; whether secretary or privy-councillor, not having actually taken the oath of a justice of peace, can commit for felony or treason, is no small query, but the ferments of latter times, and the supposed necessity arising from thence hath answered that problem by some years practice, and therefore that point is not to be stirred without doors; but surely they ought to be in the same state as other justices, to answer suits for unjust or wrongful restraint of men's persons, and the greatness or privileges of these officers ought not to exempt from common actions, but the rather an access to relief against them should be made more easy, since they monopolize that trade, and consequently are more frequently liable to mistakes wilful or by accident; the method for such relief is above my reach either to contrive or propose.

When the cause is only suspicion, bail, and that at discretion of the judge, is now required, and this is all the relief at present, and that is tantamount to none; for if the judge or minister pleases, such extravagant sums and estates may be required as to render the party remediless, and his continuance in gaol inevitable; here's no measure prescribed, nor any penalty imposed on the judge if he be guilty of excess in such his demand. In case of an actual breach of peace, and the complainant swears a danger of his life, the common rate is 40*l.* principal, 20*l.* a-piece the bail; but for suspicions of treason, or as generally disaffected to the government, swinging sureties for bulk in their own estates, and sums in their recognizance, have been and may be again exacted, and no relief.

Commitments with the clause of denying pen, ink, and paper, or friend or relation, are not provided against, nor yet in truth warranted by that or any other law; for if the party be not guilty of the charge, or but suspected without evidence sufficient, the usage is not humane or English; if he be guilty and there's evidence for such guilt, then liberty of access ought to be allowed to his friends with the use of writing, that he may prepare for a trial: For the law never impowered a secretary to commit a man because thought dangerous to the government, but because he is guilty of a crime, and that he is only to secure him to be forthcoming to a trial, not to punish him before his trial, for till then it remains in doubt whether guilty or innocent.

Another defect is this: suppose a man committed in Trinity term for the charge of treason, and after the expiration of four or five months, and before the arrival of Michaelmas, the secretary thinks fit that bail be admitted, then, though no indictment or other prosecution, this bail may be continued from day to day, and from term to term, for seven years together, and he can't help himself; within the memory of man this hath been practised for seven, nine, nay twelve terms successively upon the same recognizance. Then it is an infinite default, that if a man be committed to a country gaol, and perhaps that may be, as it hath been, to Hull or Canterbury, this man is remediless till an assizes, and that sometimes not happening in several years, and then this wretch can't make his prayer in B. R. he hath not money to procure a commission of gaol delivery, or oyer and terminer, and, if he could, perhaps 'tis denied him, and no provision made against such denial: Now here's an indefinite imprisonment; this difficulty arises from a constructive opinion upon that law, that the prayer may be either in B. R. or before oyer and terminer, as to be taken distributively and respectively, if here about town in B. R., if in the country then at the assizes, though the words are general, one or the other.

Further the remedy is, "If no indictment the first term, the party is to be bailed, unless oath be made that the king's witnesses could not be produced that term:" Now

this needs an explanation, for the end of our law-makers unquestionably was, that he should be bailed, unless there was evidence sufficient whereon to indict, and such evidence could not be produced; whereas, according to a literal construction of that clause, any man may be detained, though not evidence enough to found an indictment, as if oath be made that there is evidence against A. B. and C. and every of them, that the witnesses against them could not be produced, and no possibility to convict the jurate of perjury, for it may all be true in some sense, (and if true in any sense it excuses from perjury,) and yet besides the intent of the law to have the persons detained, there might be two witnesses, one against one, and another against the other, and yet no indictment could be on this for want of two witnesses against each: Now 'tis plain when the law says, "If he be not indicted he shall be bailed, unless oath be made that the witnesses could not be produced," it must be meant such witnesses as could swear to the indictment, which one alone could not, because the statute requires two even upon the bill; besides such literal constructions renders the affidavit-maker judge of what is evidence, when perhaps he is ignorant of the thousandth part of the difficulties and the doubts upon that subject; then for "could not be produced," 'twould be but reasonable that the court should know and judge of the reason of the non-produce, and not the swearer; perhaps the reason might be sufficient in the court's opinion, but more than sufficient in the swearer's; he might think an horse-race, or wedding, want of pay or recantation, or forgetfulness of part of his testimony, a reason: nay, the witness might be dead, and yet his oath true, for there might be evidence by papers, and one witness to prove them, and the other witness departed, and so could not be produced; though these thoughts are equivocal, yet they'll deliver him from the charge of a wilful, false, corrupt, and devilish perjury. These short notices are enough to shew an occasion of an additional explanatory act.

Another defect is this, that if committed to any gaol in Wales as a dangerous man, or upon suspicion of treason, he is remediless by this law, unless he has money to pay for a journey to London, and that must be paid down before he shall be brought; for no judge or other authority there is bound to bail him; and then if he lies till their session of gaol delivery, he can't be bailed upon the want of an indictment, because the treason is not specially signified; and then he is left as at common law, and how uncertain and merciless a remedy that was before the making of this act, we and our forefathers have been sufficiently taught. A further enemy to liberty is a power still reserved to judges of a court to commit upon pretence of contempt to them, and this out of the act, and such an authority hath every little petty court of record in the nation; and Mistress Experience tells us, every slight matter makes a contempt to them, and there's no examining the cause, for the court that commits is judge of the contempt, and further there's no deliverance till submission and their discharge.

Add to these opponents of bodily freedom, the new-found offices of a king's solicitor, &c. a novelty never heard of till the latter end of Charles II., and the subject has reason to thank God that 'tis so late an invention, for before that time the king had as few, and since hath had more, causes than any of his subjects; 'tis from those mutes that characters are received, which extorts a bleeding in the culprit's pockets, for as that moves either open or shut, so doth the sign of a shrug with the shoulder, or a wink tipt upon his superior officer, produce hardships or ease to the trembling gaol bird; perhaps the hint doth not take, and then there's a necessity of a secret whisper, that the bird in the cage is either a damned tory or a confounded republican, as the times respectively require; but if the medicine requisite was duly applied, then with a smile in the face and the hand on the purse as the cause, proceed these or the like words, "He is an honest, harmless, fair-conditioned fellow;" and an immediate assent to the parties bailment or discharge is the certain consequence. In old time the ability of bail was tried by examination upon oath in court, but this new office hath introduced

a new practice of giving notes of the names in order to enquiry, and the use and the profit of such practice is notoriously evident.

Lastly, there's a penalty on the judge or judges if they deny any *habeas corpus*, but none if they refuse to bail or discharge when and where they ought; then there's one thing more which ought to be considered, for it plainly spoils our claim or pretence of being a free people, and that is the power of our lieutenancy as now established, for they are made and continued at the will of another, and they at their own wills may commit whom, and when, and for so long as they please; and, as I am informed, there's no relief; they sit and act whensoever they are bid, and are composed in all places and times of some one predominate party, for the balance can seldom be supposed exactly equal in such assembles, and by consequence the lesser party must expect their mercy on every the least occasion; now, considering the sides and factions in England, and their natural eagerness each against the other, and the small hopes there are of an union, methinks true policy should direct some measures and rules of restraint, to prevent oppressions and hardships on either part; the form of making such provision must be submitted.

These are but few among many instances which might be produced to evince the necessity of a new law; nor is it convenient for a private person to enumerate every thing of this kind deserving remedy; it suffices to offer such, and so many *items*, as may excite the parliament to consider of these and the other mischiefs which need a provision, and to continue methods accordingly.

To conclude, a word of religion cannot be improper; the act of toleration hath exempted dissenters from the prosecution of the sanguinary and other penal laws; but that exemption is imperfect, for that a force still remains on their consciences in respect of their children, for though themselves are not constrained to frequent the legal church, yet, absurdly enough, they are constrained to educate their children in methods contrary to their own opinions and sentiments, for no school is permitted them, though but to teach the assemblies catechism, and this seems inconsistent in itself, that their judgments may be freely persued in the one and yet restrained in the other, especially if a religious reason induced the former, for if so the same obliges to the latter.

Now, after all, the intent of these lines is only to propose and not reflect, and surely thinking must convince men that such a law would add to our happiness if procured; nay, it seems strange that any should oppose it, since that the want of it may prove any man's misfortune, and no man can be professedly desirous of slavery, or dependence on another's will for liberty; but, to the shame of our nation, there are too many in it that are willing to be slaves to a few, so as many may be slaves to them; and from that corner we expect an opposition; therefore, to provoke an appetite and zeal for true liberty, let us consider our government and its nature. 'Tis a monarchy royal (as an attorney-general hath confessed) and not seignoral, and by our law the subject hath an entire, absolute, independent, and uncontroulable interest both in land and goods; now yet without freedom of person, and that ascertained, we are not freemen but villains, and shall Englishmen content themselves to hold their liberty upon will? Let us consider the examples of our forefathers and follow them; let us read and recollect how the patriots of last age, Coke, Selden, and the rest, did esteem and value it, when they tugged it so nobly in their conference with the lords, *anno Car. I. quarto;* though the argument then was against general commitments, yet their zeal and courage was true and cordial for liberty in general, and so ought ours to require an ample and complete security on't; If we conceive ourselves in person to be exempt from the danger, because the complaisance of our principles may secure us from hazard upon every turn, let generosity and a true English good-nature raise a concern for others, whose discretion may prove defective upon such an occasion; nay, the inconstancy of men and things may deceive even ourselves in some events, and baulk such our confidence.

Let us be humane, and pity the miserable and forlorn, that have been made so upon suspicion only, during the rage of other men's plots, either real or sham, or that may become so hereafter upon the like contingencies; to describe the misfortunes of patients in this kind, with their several circumstances in particular and at large, would, I am confident, melt the soul of the most obdurate reader, and to affect him there would need no use of rhetoric. My request is only, that he would once visit our common prisons, and view those lodgings which have at several times received the best of our English worthies, and perhaps some of his own acquaintance. If this be too nauseous a task, let him but frame an image in his mind, that he saw the body of a disturbed citizen hauled and dragged with swords and staves from his house and bed in the midst of night; then consider him as bled by some harpy of a messenger for a certain season, and withall listen to those insolent huffs and abuses of those insatiable devourers of coin and liberty, during such his bondage, under their dominion; then see him hurried to a gaol or dungeon, there loaded with irons in abundance, disabling him to sit, or lie, or stand, without actual and continued torment, excluded from the benefit of light or friend, pen or ink, paper or book, fire or candle, or other help of nature; then consider the fears and anxiety of such a captive, either for himself, or family, or other relation, and that continued for nights, days, weeks, months; and invisible to any human creature, except some griping turnkey, whose visits perhaps are followed with the approach of some devilish tempter, who comes to increase his torture by the false promises of reward, if he will confess, discover, and evidence some unknown story, or else inhumane menaces of an infinite misery and death as its only end in case of refusal; then review him as alone, his soul wrecked, tortured, and distracted between the dread of dishonour and gallows, and his keeper's usage changed, (and that by command of the tempting undertaker to facilitate his design;) and then the wretch's corpse is reloaded with a double train of artillery, and therewith removed to a nastier sty, if such there be, and immediately the nickhole of light, if any, is stopt, and the man left alone, overwhelmed with chains, darkness, and stench, to which you may add the disturbance of his mind and thoughts about the last temptation, which is usually repeated while in this or the like condition; and here you may leave him a while to himself, and turn your eye to his wife and children, with tears and trembling attendant at the grate, after having by pawns or beggary got some guineas wherewith to soften (if possible) the gaoler's heart, you may hear them begging and entreating for a sight of this their relative, though at a distance; nay, sometimes praying but a notice and view of those exteriors of those walls, within which such their dearest lies thus entombed, and even this shall be denied, with execrable reproaches and insults, and all under pretence of express orders.

Then follow those ambulatory wretches, and you'll find them making their court to the criminal, agent, or his deputy, for leave to apply to the secretary for leave to see this English slave, and this first leave must be paid for too, or else there will arise an hope of evidence with an aggravation of his ill character, and so an opposal of this their just and legal right; but anon you'll meet them at Whitehall, where, after four or five days expence in waiting, and a courtesy dropt with a crown to the porter, and two of them with double the sum to the footman, my lord's clerk becomes visible, and when both are doubled again to him, at last the secretary is seen; but then her first address proves certainly abortive, and the second procures only an adjournment for enquiry and recollection after the much no evidence, which however, to her assurance of the accused's innocence, yield some hopes; and then it may be the widow's importunity extorts a promise of speech with king or council about the matter, especially if the dun be followed close; but then business of necessity enforces two or three more excuses, and at last, if the woman's patience and money can hold out to gain a frequent access, so as to disturb his lordship with repeated cries and tears, a

promise is made of an order for leave. Now, to tire the reader no longer with these difficulties, upon payment of expedition money, and the usual fees, the order is drawn and signed, and with thanks and joy received; notwithstanding all this labour and charge, this order is not legible at the prison, unless the keeper's spectacles be gilt, and when allowed 'tis worth but little, for the keeper's presence is commanded, and not a word must pass between wife and husband but in his hearing, which frequently makes it a silent though mournful meeting, for fear of misrepresentation; and this dear-bought leave can serve but once, and its renewal in price comes little short of the first.

After all this, when the man's body hath contracted distempers, and his small fortune is quite exhausted, and his employment with his credit lost, and consequently his family undone, and his children, if not himself, consigned to parish care, then, without trial or indictment, *ex mero motu*, of a sudden an order issues for the delivery or bailment of this miserable captive; and this called, and must be owned as grace, though nothing but suspicion did found the commitment, or that the man was thought of a party, or had been in company with some that were thought so, and some of them perchance had been dabbling at treason, or it may be only at true politicks. And now what reparation ever was, or ever can be, made for such injurious hardships? This hath been the English practice, and the same may be possibly repeated: It is certainly therefore the duty and interest of our senators to be wise, and consider and provide for their own and our posterity now in this, their, and our day.

Further, consider imprisonment as a possible and safe instrument, or means of revenge, even to death; for there the nod of a great man may be an easy but effectual guide to a gaoler (I need not add here any epithet, or harder name than his own) to provide unwholesome lodging and worse diet for his enemy, especially if he be of a tender constitution, and then 'tis finishing work, without the useless formality of a challenge, or the ignoble method of hirelings and assassinates, or the more base fatigue of belabouring witnesses and managing juries, in all which there's somewhat of danger and hazard to the avenger, and this hath been practised too in England.

When these particulars are duly considered, with the pretty trickling retirements of the nobles and rich of our realm, and those repeated several times in one age and year, and without evidence upon some of them, it may be justly expected that such consideration will create an abhorrence of the least uncertainty or doubtfulness in the laws of liberty.

Some will object, that these proposals will embarrass the king's affairs in the next session, and therefore unseasonable; but this objection doth answer itself; the occasion for supplies at present makes our relief probable in this conjuncture, which upon another meeting may find greater opposition; and if the last session countermined part of this, a future may damn the whole, therefore now, if ever, is the attempt convenient: besides, a sound zeal for the present government cannot be better testified than by a cheerful promotion of such laws, for that these methods do conciliate and fix the interests, opinions, and affections of the people to the crown, and a sense of present ease, safety, and liberty, with a certain security of its continuance, is the surest preservative of duty and assistance from the subject, whereas an opposition hereto must make the government lose ground by narrowing of its bottom; for that which crosses the interest must alienate the affections of the people, and this hath been found true in three reigns already within our memory. No authority or power can be so considerable and lasting as that which is founded on love and esteem, and those can never be acquired with any great certainty, but by the allowance of such concessions as the people need, or think that they need, and do desire or demand; now the miscarriages of former reigns, with the observation of the French and others tyranny, which multiplies commitments upon slight fears or suspicions, are so continually in their minds and mouths, that their belief of the need of such securities is not to be eradicated.

'Tis a gross mistake to imagine, that an easy and full power of chopping men in pieces upon a block, or confining them to Newgate, or other gaols, can add any strength to the crown; for Englishmen, generally speaking, are fond of a king, not only for his, but their own 'sakes, and consequently such fondness can be but of an equal duration with their ease and liberty, and a suretiship of its permanency; for the loss, or fear of the loss of either, will quickly produce aversion, and that hatred, and that somewhat worse: upon which account, 'tis incumbent upon all true friends of their present majesties to promote this prosecution of an additional security.

Postscript.

At last it may be queried, What need of all this bustle and stir about liberty, when parliaments meet so often, that their awe prevents all these and many more possible oppressions? To this I'll answer by another query, What new security have we got, that if the war cease, we shall have a frequency of those assemblies?

Adieu.

His Majesty's Speech to the States General, as he was seated in the Chair in their Assembly, 1692.

On passing to the continent to assume the command of the allied army in 1692, King William and the States General met, as usual, with reciprocal joy and acknowledgment; and no doubt the king was not sorry to exchange for a time the turbulent and disputatious parliament of England for the sober and acquiescent assembly of the Dutch States General.

My Lords,

Upon my last departure from this country, I did intend to dispatch, with what expedition I could, the affairs of my own kingdoms; which having done accordingly, I am come hither again, to execute my office as captain general, admiral, and stadtholder; and to contribute all that is possible for me to do for a speedy peace; and to put an end to this war: To which end I have sent over all the forces out of my kingdoms that I could spare, to join those of this State. And as to the fleet, I have taken such care that the most part of it is now ready, and hope that of this State is in the like posture; desiring, that the great God, the Maker of all things, would so bless the arms of this State, and the rest of the confederates, that they may obtain that which is most in their eye,—a good peace. I will do all that I can for the common good and welfare of this State, not sparing my own person; and I assure you of my sincere intentions and good affection to you; and thank your lordships for the honour you have done me, and for your congratulations upon my arrival.

The Answer of the States General to the King's Speech.

Most Sovereign Prince,

We thank your majesty for the honour you have done us, to appear in our assembly; as also the constant care, good-will, and affection, you have always manifested towards us, in promoting the common welfare; of which your majesty has given us fresh proofs, in coming to us at such a season of the year. We assure your majesty, that the favour which you have always shewn, and daily continues, shall be for ever owned by us with great thankfulness; and that, as much as in us lies, we will second your majesty in your good intentions and designs.

A true Account of the horrid Conspiracy against the Life of his sacred Majesty William III. King of England, Scotland, France, and Ireland, &c. setting forth by whom it was contrived, how it was to be carried on, and the Manner of its Discovery. Published by Authority. 1692.

This is a particular account of a transaction highly dishonourable to the courts of France and St Germains. It is said, however, that the extent of the purpose was not communicated to James, and that he was only told of a purpose to seize the person of the Prince of Orange. It is also said that the scheme was originally devised by Louvois, the celebrated minister of Louis XIV. and afterwards carried on by his son, the Marquis de Barbesieux. Madame de Maintenon and Paparel, paymaster to the French army, were privy to this dishonourable scheme of assassination.

Some of the ministers in the highest employments, and of the greatest credit in the French court, having formed a design to assassinate his majesty of Great Britain, they made choice of one Bartholomew de Liniere, Kt. Sieur de Grandvall, as their instrument to manage the enterprise, to find out persons fit to be employed in it, to engage them by promises of great rewards; as also to be aiding and assisting in his own person.

The said Grandvall, being informed that one Anthony du Mont had already been engaged in this design, in the life-time of the late Marquis of Louvois, he proposed it to him again, to execute the same, by order of the Marquis of Barbesieux and some others. Whereupon several projects were drawn up, several petitions delivered, and many conferences were held, and at last the resolution was taken to bring it to effect the last campaign, 1691. But the providence of God having disappointed them, yet, notwithstanding, they did not let fall the prosecution of their horrid design; but Grandvall was employed to write frequently to Du Mont, (who was retired to Hanover,) to stir him up to another attempt this campaign, which at last they agreed upon.

ne Leefdale coming to Paris about that time, Grandvall making an acquaintance with him, discovered to him the said design, which Leefdale shewed a willingness to be concerned in; but soon after gave notice of it by letters to his relations in Holland, that they might inform his majesty. And the like discovery was made by Du Mont to his Highness the Duke of Zell, who acquainted his majesty with it about the same time that he received the other account.

In the mean time Grandvall, having appointed Du Mont a rendezvous at Uden, in the country of Ravesteyn, he set out from Paris in company with Leefdale, passing through Brussels, where he communicated his design to one John d'Amours, who was formerly a domestic servant to Leefdale's father. From thence they went to Antwerp, and so to Eyndhoven, where Grandvall was seized, and carried to Bois le Duc.

His majesty directing the examinations to be taken there, Leefdale was first examined, who declared, with great exactness, all the circumstances of the conspiracy. But it is not necessary to mention more of them here, than that Grandvall told him, the King of Great Britain was looked upon as the only obstacle to the French king's designs; that Grandvall had sent to Du Mont last winter above 200 pistoles, to keep him firm to the business; and that he sent him ten ducats from Brussels, by bill of exchange. That whilst they were at Mons, a report being spread of some disorders in Scotland, which would oblige his majesty to cross the sea again, Grandvall fearing it might happen before he could execute his design, spoke to Leefdale in these words; "Dear friend, we are like to lose our fortunes: I beg of you that we may go away immediately."

John d'Amours being next examined, deposed, That Grandvall told him at Brussels he had a great business to do, which had miscarried the last year. And they two falling into a discourse about his majesty, John d'Amours asked Grandvall, if he had any thing to say to the king. "Yes," answered he, "to break his neck." John d'Amours representing to him the difficulties that might attend such an attempt, Grandvall replied, "I have given my word to Monsieur Barbesieux, and I'll do it." D'Amours adds further, that going one day with Grandvall and Leefdale by the jesuits church at Brussels, Grandvall said, "Let us go in and say a pater-noster, that God would bless our undertaking." And accordingly they went into the church.

Du Mont having been examined since, has owned the fact in all its circumstances, adding several other particulars, viz. That Madam Maintenon was acquainted with the design; and that Grandvall, in one of his letters sent to him, used this expression, "That he would accommodate the matter by the means of Madam Maintenon." That Grandvall told him, the business succeeding, he (speaking of himself) should have an ample recompence, even to be a duke. That whilst he was at Hanover, he imparted the design to Monsieur Bedal, alias Hasfelt, who was at that time the French king's minister in that court; that he shewed to the said Monsieur Bedal all the letters he writ to Monsieur Barbesieux and Grandvall, as also the answers he received from them; that the said Bedal approved the design, saying, It would be a very good business, if it could be brought to pass; and that Bedal lent him fifty crowns at Hanover. Du Mont adds further, that he was intimately acquainted with one Miller, an agent for Bedal; that the said Miller told him, as a great secret, that Bedal had sent him several times to Holland with dispatches, that came from France, for Monsieur Moreau, envoy to the King of Poland; that he always gave those pacquets into Monsieur Moreau's own hand, and Monsieur Moreau gave him the answers to them in like manner: And that by the help of Monsieur Bedal and Monsieur Moreau, the court of France managed their choicest correspondence in Holland.

At last Grandvall was examined, who, perceiving that the matter was discovered, and that his own letters could be produced to convict him, he ingenuously confessed all the circumstances of the design, as they are particularized in the sentence.

After which Grandvall, being brought to the army, he was put upon his trial before a grand court-martial, consisting of general officers, where he appeared several times, together with the witnesses above-mentioned, who not only persisted in what they had already deposed, but added many other particulars and circumstances, of which there were very few that Grandvall did not agree to, and that freely, without so much as naming the rack to him, either before or after sentence.

Grandvall, during his imprisonment, drew up two petitions to be presented to his majesty, all written with his own hand; in which he says, That as to the before-mentioned design, he acted in it but in obedience to the orders he had received from Monsieur Barbesieux and Monsieur Chanlois; that Du Mont was guilty; that Leefdale was guilty; and that he (Grandvall) was guilty, since every one that conspires against a crowned head is worthy of death, acknowledging his own fault.

The judges, after this, having met several times, at last gave this sentence, which is here inserted, word for word.

"Whereas Bartholomew de Liniere, Knight, Sieur de Grandvall, born at Liniere in Picardy, aged about forty-three years, and now a prisoner, hath confessed before the grand court-martial, without any constraint by pain or being in irons; and it further appearing to the said court-martial, that the late Marquis de Louvois, in his lifetime secretary of state to the French king in the year 1691, entered into an agreement with one Anthony du Mont, about the murther of his Majesty William III. King of Great Britain, &c. and that the said Du Mont had framed a project, setting forth in what manner that design might be executed; that he delivered the said project to the said Marquis of Louvois; that the prisoner, some time before the Marquis of Louvois's death, asking his leave to go somewhere else, was ordered by the said marquis not to go away, for that he had some business of consequence to employ him in, which the prisoner supposes to have some relation to the said design; but the Marquis of Louvois dying some time after, there was no farther progress then made in the said design.

"That the Marquis of Barbesieux, son to the said Marquis of Louvois, as also secretary of state to the French king, having, five days after his father's death, found the said project, together with a warrant for thirty pistoles to be paid to the said Du Mont, among his father's papers, the said design was revived again, and the thirty pistoles were paid accordingly. That the prisoner contracted an acquaintance with Du Mont, at Monsieur Rabenac's house, where Monsieur Paparell, paymaster-general to the French king's armies, saying one day to Monsieur Rebenac, (the prisoner being present,) that if they had a mind to seize the King of England, Du Mont would be a fit person for it; Du Mont replied, with execrations, That he would carry off his majesty alive or dead, as he had promised to Monsieur de Louvois.

"That Du Mont, having delivered the same or the like project to Monsieur de Barbesieux, the prisoner, to promote the said design, had several conferences with Monsieur Barbesieux and Monsieur Paparell, in one of which Monsieur Barbesieux told the prisoner, That he suspected his father was poisoned by order of the Prince of Orange, (meaning his present majesty of Great Britain,) and therefore he would be revenged of him. That Monsieur Barbesieux told the prisoner in another conference, That he would give Du Mont notice that his majesty of Great Britain wore a coat of mail, which the prisoner acquainting Du Mont with, he answered thereupon, "It is no matter, I'll kill him for all that." That Barbesieux had said further, He would not speak himself with Du Mont, fearing he might be taken prisoner; and if he should happen then to name him, it might make a great breach in his fortune.

"That the prisoner was engaged with one Parker, a colonel belonging to the late King James, to put the said design in execution; and that Parker had told him, He had formed the said design with the late Marquis of Louvois.

"That at last the prisoner, with the said Barbesieux, Paparell, Parker, and Du Mont, agreed upon the manner of executing the said design, viz. That the prisoner and Parker should meet at the grand guard of the Duke of Luxembourg's army, where they were to have fifteen hundred horse; that Du Mont should go to the King of England's army, and watch the time when his majesty went to visit the grand guard, and at the same time he was to shoot his majesty; that the prisoner and Parker, with fifteen hundred horse, were to rescue and bring him off, the said Du Mont giving timely notice to the prisoner of the intended execution. That Barbesieux, giving the prisoner orders to accompany Du Mont to Menin, he gave him at the same time an order to the Duke of Luxembourg, for furnishing the prisoner with such a detachment of horse as he should require and think necessary for the design.

"That the prisoner, by Monsieur Barbesieux's order, received of Monsieur Paparell eighty lewis d'ors; and, in pursuance of Monsieur Barbesieux's directions, he gave to Du Mont fifty-five lewis d'ors out of that sum, viz. fifteen pistoles in specie, and a bill of exchange for 460 livres, French money, to be paid at Ghent; that the prisoner accordingly left Paris the 11th of September, 1691, and went post with Du Mont to Menin; that he defrayed the whole charge of the journey; that Du Mont acquainted him on the way, that Monsieur Barbesieux had promised him an annual revenue of 20,000 livres, and to make him a knight of the order of St Lazarus, in case the design took effect. That the prisoner coming to Menin, went to the governor, Monsieur Pertuis, as he had been directed by Monsieur Barbesieux, and obtained of him a passport for Du Mont, who parted immediately for Ghent, promising the prisoner, that, according to their agreement, he would send to him at the grand guard; that the prisoner thereupon went to the Duke of Luxembourg's army, and he and Parker continued at the head of the grand guard till the day before the rencounter at Leuze, without hearing from Du Mont.

"That Du Mont going to Hanover, the prisoner had kept a constant correspondence with him about executing the same design at some other opportunity; that the prisoner communicated what letters he received from Du Mont to Monsieur Barbesieux, who gave him directions what answers he should return. That the prisoner resolved with Monsieur Barbesieux, that the design should be executed this campaign, *anno* 1692, which had failed the last; that the prisoner had taken some measures concerning the same with Monsieur Chanlais, quarter-master-general to the French king.

"In the mean time one Frederick Aelbreyt Leefdale, heretofore captain-lieutenant of a troop of dragoons in the service of the high and mighty States-general of the United Provinces, coming to Paris, was brought acquainted with the prisoner by the means of one Sterck; that the prisoner having contracted an intimate familiarity with the said Leefdale, discovered the said design to him towards the latter end of March last, 1692, telling him, That an officer who would ingratiate himself in the king's favour, must venture at something of consequence; that he, the prisoner, had concerted the execution of a design upon which his fortune depended; that it was indeed a matter not without hazard, but the greater the difficulties were the more would be the honour, encouraging Leefdale to be concerned in it; and the said Leefdale shewing a readiness to comply with him, the prisoner opened himself with greater freedom, and told him, That he was engaged last campaign, with one Du Mont, to assassinate the King of Great Britain, but it had no effect, by reason of his majesty's leaving the army so soon; but it was resolved again to put the same in execution this year. That Du Mont, by many repeated oaths, had sworn he would do it; yet he, the prisoner, feared that if he were not present, Du Mont would not so exactly observe his orders, and therefore he was resolved to go along with Du Mont, asking Leefdale, if he would be of the party, who answering, that he would, the prisoner discoursed to him at large of

all particulars concerning the design, and afterwards brought him to Monsieur Barbesieux and Chanlais.

"That Chanlais, in one of the conferences held upon that subject, told Leefdale, the prisoner being by, that a great reward should be given him, the business succeeding: That Barbesieux and Paparell had both of them knowledge of the promised rewards.

"That he, the prisoner, with the said Leefdale and Colonel Parker, went to St Germains on the 16th of April, 1692, to speak with the late King James about the same design, who had knowledge of it, and to take leave of him before they began their journey; that the prisoner had audience at the same time of the said King James, the late queen being present; King James telling him, "Parker has given me an account of the business; if you and the other officers do me this service you shall never want:" and Parker, the prisoner, and Leefdale, entered into a discourse about this design.

"That Du Mont's wife delivered to Monsieur Barbesieux several letters, which she received from her husband whilst he was at Hanover; and the prisoner continuing his correspondence with him all the said time, he engaged Du Mont by letters, especially those dated the 20th and 25th of April, and 12th of May last, to come from Hanover to a rendezvous at Uden, in the country at Rovesteyn, in order to take a final resolution with the said prisoner and Leefdale concerning the manner of executing their design; the prisoner pressing Du Mont to hasten his journey, for fear the King of England should have occasion to repass the sea; the prisoner adding withal, that he should be mad if he failed in his business.

"That the prisoner, with Chanlais and Leefdale, there agreed in what manner the assassination should be committed on the person of his majesty, viz. that when the king should ride along the lines, or should go out to take any view, or when the army should decamp, that Du Mont should lie in ambuscade, and when his majesty should pass within a hundred paces of him, he should then fire upon the king; that Chanlais (to whom notice was to be given before of the time) should be with three thousand horse at the Duke of Luxemburg's grand guard; that the prisoner had told Leefdale there would be no danger for him, since Du Mont had a secret to charm people's eyes, and at all adventures they two would keep with those who followed the king; and when every body was pursuing after Du Mont, they should have time to escape and save themselves, and carry the account to Monsieur Chanlais; and it little concerned them whether Du Mont should be taken or not, provided they could escape themselves; that the prisoner and Leefdale received their last orders from Chanlais, who told them he was going to Mons, and that they should stay for him there.

"That the prisoner and Leefdale went from Paris the 17th of April last, and arrived a few days after at Mons, having waited some time for Monsieur Chanlais's arrival, and finding he did not come they resolved to go forward to the rendezvous by the way of Brussels; that the prisoner, as they were travelling on the way, told Leefdale, that their design taking place, the alliance among the confederate princes would be broken; that the princes concerned would each of them recall their troops, and the country being thereby left without soldiers, the King of France would easily make himself master of it, and King James would be restored again.

"That the prisoner with Leefdale went to the mayory of Bois le Duc, and was apprehended at Eyndhoven.

"And whereas this horrid design is contrary to the laws of God, of nature, and of all nations, and ought, for the deterring of others from the like machinations, to be punished with the greatest rigour, the said court-martial having with mature deliberation examined and considered the whole matter, have thought fit to judge and declare, as they do hereby declare, the prisoner to be guilty of high treason, and do condemn him to be drawn on a sledge to the place of execution, there to be hanged on a gal-

lows; to be cut down before he be dead; his body to be opened, and his bowels taken out and burnt; his head to be set upon a pole; his body to be quartered, and the four quarters to be hung up where his majesty shall think fit. And do further declare all his estate to be confiscated, and condemn him to bear the charges and costs of this trial.

"Given and pronounced in the head quarters of the army under the command of his majesty of Great Britain, by the Earl of Athlone, general of the horse, president; the Lieutenant-General Van Scnavenmore, and Lieutenant-General Talmash; the Marquis de la Forest, the Heer Van Weede, Count Noyelles, and the Heer Zobel, Majors General, and the Brigadiers Churchill and Ramsey; Cornelius Van Wou, and Richard Uthwayt, Judges Advocates assisting, at Lembeck, the 11th of August, 1692.

Signed,

ATHLONE.

And lower,

By order of the court-martial,

THOMAS DU VAL."

In pursuance of the sentence abovementioned, the Chevalier De Grandvall was executed in the camp on the 13th day of August, 1692. All that he said at the place of execution, was to recommend himself to the prayers of those that were present: But the same morning before he went to execution, he writ this following letter:—

Du Camp de Halle, ce 13 Aout, 1692.

Madamoiselle,

Je vous prie d'aller trouver Monsieur l'Archevêque de Rheims, avec Monsieur Jourduil, et faire connoître au dit Seigneur Archevêque, qu'il m'en couste la vie, pour avoir obeyé aux ordres de Monsieur Barbesieux. C'est la grace que vous demande vôtre serviteur,

DE GRANDVAL.

Voyez Monsieur le Marquis d'Arsy, qu'il contribuë à faire prier dieu pour moy.

A Madamoiselle Juré, ruë Trevelle, vis à vis de la ruë des deux Escus, prés de l'Hostel de Soissons, à Paris.

From the Camp at Hall, Aug. 13, 1692.

Madam,

I pray you to go to the Archbishop of Rheims, with Monsieur Jourduil, and to let the archbishop know, that it cost me my life for having obeyed the orders of Monsieur de Barbesieux, which is the favour desired of you by your servant,

DE GRANDVALL.

Speak to the Marquis D'Arsy, that he take care I be prayed for.

To Madam Juré, in Treville-street, over against the street of the Two Crowns, near the hospital of Soissons, at Paris.

Upon the occasion of this letter, it will not be improper to take notice of a passage that happened some days before Grandvall's condemnation, since it has so great an agreement with the said letter, and may serve to explain it, if it needed any clearer light, which is as follows.

One discoursing with the Chevalier Grandvall in prison, and observing he sought to justify himself upon the orders he had received from the Marquis of Barbesieux, he told him, though that was in itself a very weak excuse for being engaged in a base action, yet still it might prove so much the worse, as that it was like enough Monsieur Barbesieux would disown that he gave any such orders, or that he was any ways concerned with him in a business of this nature. To which Grandvall replied, "Let him

deny what he pleases, yet if I were put upon it I would make it appear very plain; for I have an original paper under Monsieur Barbesieux's own hand, which I have lodged with a friend of mine, who will not part with it to any one but myself, and nobody else knows with whom I have intrusted it."

The Substance of King William's Discourse to his Cabinet-Council.

This supposed speech is made to contain a severe exposure of the distresses of King William's government in 1691, when the loss of the hard-fought battle at Steinkirk, and that of Namur, taken by the French in the very sight of the grand allied army, had thrown some discredit upon the arms of the confederates. This was in great measure balanced by the victory at La Hogue, which totally disconcerted the intended invasion of England. This Tract, as well as those which follow, is of Jacobite origin.

I NEED not recommend to you the secrecy of what I shall say of the true state of the ticklish condition our affairs stand in at present. 'Tis not prudent the parliament should have true lights of it, lest it discourage them from giving money. Our success at sea is the only thing that supports our credit, though you know well that was a mere accident, (though we cried it up for a complete victory,) not to be hoped for always, nor often; for an hour's tide more would have carried those sixteen ships we burnt cross the Cape to St Maloes, and had left us, though above twice their number, with no other advantage in the fight but that of having received more blows. My intelligence tells me, that for the sixteen they lost, they are building about twenty-six ships more in their own ports, some of which are already launched, and the rest in a great forwardness against the next spring, several of them of greater strength than the former; besides those which are building for them in Sweden and Denmark. Besides, they keep their transport ships still in readiness, and have built good store of gallies and galliots, which they are bringing to the ports nearest England; so that it's certain they still hanker after an invasion, to meet with which I bring my forces over hither. They will immediately press upon Holland, who, we may be sure, will not hazard to be ruined for our sakes: Besides, I have so many back friends there, that they will the sooner make peace to exclude me from being their stadtholder, which I hold now more by awe than love. If I leave my troops in Flanders, then the French will craftily take some opportunity to land the late king in England, set up discontented Scotland, and perhaps Ireland too. And should he land here, I expect that not only my known enemies, but multitudes of others who comply now for fear, will flock to him. The over-burthened commons, seeing no likely prospect of the end of the war, nor consequently of taxes and polls, will give scope to their natural mutability, and face about, especially when they hear that many of the chief nobility are run to the other side. This will make the unskilled and fearful country militia act but coldly, if many of them do not revolt; nay, to tell you the plain truth, we know not how hearty the army would be in such a circumstance. The want of full pay vexes them;

the fund betwixt them and the Dutch galls them; and they have taken a conceit that I more favour the Dutch than the English interest, which makes them serve me for fear, or pay, and not out of affection: so that when by an army to protect them the fear is taken off, and by my assisting the confederates, their pay (as it must be) is balked, I much fear that their affection to our service will be too weak a tie to keep them loyal.

As for the success of our several allies, the Duke of Savoy has got plunder in France, but it will be doubly repaid in Piedmont, whither Catinat is gone with fifty thousand to winter there upon free cost, which will beggar the whole country; and the Germans, who make up the far better half of his army, will starve if they do not return home speedily, the Italian princes refusing to quarter them any longer, and the French having obliged them to retire from Dauphiny, where they in vain hoped to winter. The Duke Schomberg has given me a sad account of affairs on that side, and himself desires to be called home, seeing no good can be done there: so that after all, the helps we have given him are to no purpose, and the soldiers I have raised must serve others for want of farther pay; for he will certainly make peace, and be glad he may have it; and then the French king will bring all his soldiers that are in the field, and in garrisons there, towards Flanders, which, with the new 40,000 which (besides recruits) he is raising, will over-run Flanders, and Holland too, to our utter undoing.

To come nearer home, the Duke of Newburgh is defeated in Luxemburgh, the Prince of Wertenberg upon the Rhine, ourselves have lost Namur, and about 10,000 in the battle of Stynkirk. One of the chief German confederates (the Prince of Wertenberg) is taken prisoner, and at the mercy of the French king; so that we must expect he is no longer ours. Hanover will be no longer hearty to us to no purpose, the electorate, the promise of which brought him over to our party, being crost by the Roman court, divers princes of the empire, and even by Denmark itself. The Spaniards have done nothing at all in Catalonia, and as little with their fleet, all their promises being mere brags and vapour. Saxony has as good as left us. Liege and Charleroy are in immediate danger. The Switzers and Grisons are cajoled by France to contravene their neutrality, notwithstanding all the menaces of Holland, the emperor and Spain finding their account better in leaning to the French interest. Spain and Holland are about trading with France: We once hoped to ruin France by prohibiting commerce, but now we find we can less subsist without it than they, and England least of all. The emperor hath both his hands full with the Turks, and peace with them while France prospers is not to be hoped for. The Pole can lend the emperor no assistance against him, having enough to do to defend his own frontiers: so that I fear the house of Austria (seeing bad success every where) will be ready to embrace peace upon very ordinary terms, especially the pope so earnestly soliciting him to it. The worst is to come yet; the French king declares he will not hear of any peace till the late king is restored: so that when they are farther straitened by the French, and become desirous to put an end to this war, which they are already weary of, I shall be hated by all, and lookt upon as the only person that hinders it, by keeping my father out of his throne.

All these are great mischiefs, yet the greatest is still behind; England, that must alone support me with money, to keep up my own power, and supply my poorer confederates, is itself reduced to poverty, and disgusted at their wants, especially for sending most of their money out of the nation. There is a discontented party in the parliament, who complain loudly that they have raised me 22 millions already, and no good done with it, but the enriching Holland, and other countries, peace being farther off than ever: They, joined with the commonwealth party, are so saucy as to call for accounts, and it's impossible for me to make them to their satisfaction; so that I fear that either they will give me no more, or else not enough to supply or help my confe-

derates, and my own peculiar occasions, but only some pittance to strengthen England, and then Holland knocks off. They are crafty enough to see that our designs have proved ineffectual, as our landing at Bayonne, taking St Maloes, or some port-town in France, burning their other ships there. They know well we have failed in defending Namur, surprising Mons, beating the French army, taking Ipres, and in besieging or bombing Dunkirk: And I very much apprehend that the people's eyes will be opened to see that we feed their hopes, and fob them with counterfeit pretences in the neck of one another, but in reality I and my confederates are able to do just nothing; and what that will lead their thoughts to you may easily guess. Their first inference will be, that the French king will carry all before him, and make the confederates sue for peace; the next, that I am the only obstacle, and am to be removed, and the late king restored; and this once entering into the thoughts of this giddy nation, who have got the knack of turning out their kings, and on a sudden losing all respect for them, will make them as little regard me as my predecessors, and turn me out too.

You see my ill circumstances, and that they need your best advice, which was always useful to me, but now is more necessary than ever. I recommend to you especially the former method of casting blinds before the eyes of the parliament, and the people, which has ever upheld me in their esteem, lest, if they strangely imbibe the truth of these matters of fact, they should despond and keep their money: For my own part, let France and Fortune do her worst, I resolve to live and die like a king.

The Substance of King William's Second Discourse to his Cabinet Council.

This is a treatise of the same tendency with the last, being intended to expose the difficulties which embroiled William's domestic government, as well as the precarious state of the allied cause upon the continent.

The main points in which I am to require your best advice are these. First, Since I find it as easy to mingle fire and water, as 'tis to reconcile the church of England party and the presbyterians, and that I experience I cannot gratify the one without disobliging the other, I am in doubt whether the dodging way I have hitherto taken, to be kind to both, may not come to disoblige both, and whether, if proposals come to be made by the late king, equivalent to what my circumstances will let me afford to either, they will not rather lean towards him, and be free from taxes and polls, which this war, that they see likely to continue, must still require, than to be at so much cost to support me in my government. I will declare myself a little more to you, that you may the better comprehend my difficulty. Both parties are led by their teachers, and the church of England's teachers are of two sorts: The one of them neither regards my frowns nor my favour, but think themselves obliged by their principles to look upon me as an usurper; and are perfect Jacobites. The other party

(unless when some presbyterian steps up in their place) have the same principles with the former, but comply out of present interest or fear. So that their allegiance (notwithstanding the oath they take) not coming from their hearts and consciences, can never be solid, but forced and extorted, which makes them hate the occasion that put them to the hard choice of either starving or being knaves; besides the aversion they have taken against me, for putting many presbyterians and latitudinarians into their bishopricks and parsonages, and other well-endowed dignities. Hence my intelligence informs me, that though they are willing to enjoy the benefits of my favour, yet they secretly hanker after their former king; they cabal with the Jacobites, where they dare drink King James's health; and though they pray in publick for me, yet in private they heartily wish well to their former prince. These considerations, and some others, would persuade me, 'tis more politick quite to pull down that party, and set up the other. But then, on the other side, the presbyterians are so high and hot-headed, that nothing will satisfy them, except they have all; and if I give them too much head, they are naturally so restless, rebellious, haters of monarchy, and so addicted to a commonwealth, and withal, love their money so well, that if I give them too much power, I shall cast myself upon a beast so unruly and hard to ride, that I shall be in great danger to be thrown out of the saddle.

Next, How shall I deal with the parliament, and particularly with the House of Commons? They have already called me to account, and are dissatisfied with it. They were in a hot scent after my pensioners, without whom I shall never get a competency of money, and though I endeavoured to put them out of that conceit, and told them, that those great sums of money, which they found was given them, were not given to them as pension or salary as parliament men, but for secret service not fit to be divulged, yet they see this was but a forced put off. My bare denial they were my pensioners, to raise me great sums by over-voting, will not serve the turn, for they knew beforehand it had been a madness for me to confess it; and my saying 'twas for secret service relating to the publick, not to be divulged, is but a blind amusement, rather a kind of tacit confession of what that they more than suspected. This makes me fear they will look more narrowly into that business, which may undo all. I fetched off Seymour,[1] and other stickling commonwealth's-men, by giving them offices; but there is a stiff party amongst them so true to the good of the commonalty, that no kindness can warp them; and my gratifying those who aimed at their advantage by opposing the court party, the more confirms them in their opinion of my proselyting the members to my side, to betray the trust imposed in them by the commons who elect them. I dare not venture to dissolve this parliament and call another, for that will lose much time, and present supplies are necessary, that we may be early in the field. Besides, I have reason to fear that the new one may be worse than this, especially the new members will ask me to model them, whereas I have already in this a party, which, with much money and policy, I have rendered pliable to my will.

Again, What must I do with the confederates? England is too poor to supply them as formerly, and 'tis now so well known that, notwithstanding all their assistance, France still grows upon us, that they are satisfied it will be to little purpose to carry our men and money out of England to help them who do not much for themselves. To tell you the truth, some of them are so backward, and they are in so many minds, that nothing can be much hoped for from them. This makes men begin already to talk of leaving them off, and strengthen England by sea and land, by which means we may assault France upon the coasts, and make a great diversion, which may perhaps be in a manner equivalent to my assisting them in Flanders. This is the best way to get

[1] Alluding to Sir Edward Seymour, the Earl of Nottingham, and other tories, who accepted of offices under King William.

me money; but then 'tis to be feared that I shall lose my interest in Holland, and that, should the French take some towns of theirs the next campaign, the discontented and impoverished people there (whom I did what I could to cajole last year with the hopes of a sudden peace) will force them to put an end to the war, and come to conditions with France, especially if Savoy (as I much fear) breaks the confederacy. Nay, there wants not a great party there, who (did not my presence and influence hinder it) would be willing to embrace peace, were it for nothing else but to exclude me from being their stadtholder, which office, for many reasons, I must not forego. This is a nice point, and I desire you to think of it accordingly. Take this along with you, that there is a great faction of shrewd men in England, who are highly disgusted that out of my ambition (as they account it) to make myself generalissimo and cock of the confederates, I have spent England two or three and twenty millions, and for the better half transported, to the great loss of the nation; whereas less than half as much had built us such a navy, and maintained such an army, as would have defended England against all her enemies, and yet (the money circulating here at home) not have much impoverished it. This is a deadly blow to my honour and credit abroad, which (against all events) it highly concerns me to maintain, and will strike deep into my interest; and what fence can you find to ward it?

And since I despair of money enough to bribe my confederates, and give full pay to my soldiers and seamen, I would desire your judgment which of them I should prefer, and which postpone, seeing the latter grumble already for their arrears, and the former, if I withdraw my giving hand, will fall off.

The last point which I recommend to your best consideration is, what course I am to take, in case the parliament, sensible of how little we have done in Flanders this last campaign, should refuse to give me money sufficient to carry on the war there the next summer, without which you see all is lost. To tell you my thoughts upon the matter, I think my best expedient is to agree with the States, and other foreign confederates, to let me bring over Dutch and other out-landish soldiers, and leave English and Scotch behind them to the same number: For by this means I shall at once overawe Holland by my own subjects there, and England by foreigners here, and either make them give me what money I want by way of parliament, or else set up my title of conquest, and take it where I shall see fit. This is, I see, feasible, for I am not to value the disgust of the nation when I do no longer fear it; nor need I any longer debase myself by entreating them for supplies, when I may command it, for a monarch is then truly a king, when he need not creep to the people. My only fear is, my English so hate the Dutch, that they will desert rather than fight for them. To strengthen myself more, I can arm the French Hugonots, of whom we have here good store, and fetch over the Vaudois, if I find Savoy inclinable to make peace. I fear I must be forced to this, for I find the English an unconstant and head-strong nation, and false to their kings, nor otherwise to be ruled long but with a rod of iron. But remember this is my last refuge, and so you will have more leisure to consider of it, as future occasions afford you more light. I shall now bethink myself what to say to the parliament, between this and the time they meet.

The following Speech being spoke off hand upon the Debates in the House of Commons, you cannot expect in it the Exactness of Roman Eloquence; but you have the Freedom and Bravery of the old Roman and true English Spirit, zealous for the good of their Country, and bold in all its Dangers. And if other Corporations and Shires would take the like Care as B——l, they might be as happy in the Choice of their Representatives; and then, and never till then, may we hope to see poor England become Old England again, rich and happy at Home, glorious and renowned Abroad. Towards which this worthy Patriot has set a noble Example; and that it may inspire and encourage others, and prompt and enable the Country to distinguish such from Pensioners and wretched Betrayers of their Country and Posterity, is the Design of making this Publick, from a Copy which I procured from a Member of the House of Commons, who took it in Short-hand, as it was spoke.

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In the session of parliament 1693-4, there was brought in a general Naturalization Bill for all foreign protestants, which not only created violent debates within doors, but was made the subject of inflaming the discontents of the people at large. It was supported by many leading members, some from motives of general policy, and a regard for the population of the island, decreased by supporting the waste of war and of foreign settlements. Others, in a party view, saw the means of balancing the predominance of the English church by an importation of foreign sectaries; others perceived an obvious advantage to commerce by the naturalization of these hardy, laborious, and frugal Germans and Flemings. The courtiers, no doubt, saw in the measure proposed the means of recommending themselves to the king, who, besides his predilection for his countrymen, was too much disposed to trust foreigners of any country rather than Englishmen. On the other side the bill was strenuously opposed with all the inflammatory declamation of which the subject so copiously admitted, and which makes its way so readily to the feelings of the vulgar. Sir John Knight the younger, in particular, delivered the following philippic, calculated to excite jealousy, to spread terror, and infuse into the public mind the most malignant doubts and surmises. The train took effect even beyond the expectation of those who laid it. The vulgar were wonderfully taken with the parallel cases of the Dutch and the Lord-Danes, and applied what was said of Pharoah and Joseph to the king and the Earl of Portland. They became convinced that Sir John Knight, in opposing a bill which paved the way for Dutch conquest and Egyptian bondage, was the saviour of old England, and they celebrated his fame accordingly. The speech was printed, and industriously disseminated, and the cry against foreigners was echoed from every quarter of the kingdom.

In the House of Commons, the printed speech was made the subject of formal complaint; and Sir John Knight, menaced with expulsion and imprisonment, felt no taste for either, but disowning the paper, left it to the mercy of the house, who appointed it to be solemnly burned by the hands of the hangman. It had done its work, however, for the wrath of the people was too furiously excited to permit the managers to drive on the Naturalization Bill, and the measure was abandoned accordingly.

Sir John Knight, who seems to have been a very violent and prejudiced, if not an evil-designing man, is described by North as a gentleman of as eminent loyalty and integrity as Bristol was ever honoured by producing.

Mr Speaker,

I HAVE heard of a ship in a violent storm in danger of perishing every moment, [It was not such a sham storm as we were lately entertained with in the Gazette, which deceives the people, that many ships going to France, laden with corn, were cast away, though those ships, and many more, are since safely arrived in France; but it was such a real storm, as, on the 7th of the last month, destroyed on the coast of Cornwall upwards of seventy sail of our English ships, most of which were laden with corn, and several sorts of provisions, for the use of our Dutch allies, to enable them to live cheap, by making the same dear at home; perhaps some was for the support of our half-starved and upbraid English soldiers now in Flanders, when perished likewise more than 700 sailors, who have left thousands of widows, children, and poor relations, to curse our conduct at sea, the cause of this calamity: In such a dreadful storm it was that the aforesaid ship was in,] when the good commander, seeing the danger, and apprehending death, desired his crew to assist with resolution, and preserve themselves and the ship, which the sailors refusing to do, he retired to his cabin, humbled himself in prayer, and implored the powers that alone can save in time of need, that though the ship and the company might be justly swallowed up, for the disobedience of the sailors, yet that he and his cabin might suffer no damage.

Sir, I cannot, as that good commander did, be so vain as to hope that either myself, or the place for which I serve, can be preserved from the general inundation, which this bill we are now debating lets in on the liberties of my native country and countrymen, and therefore be unconcerned for the good of England, provided Bristol were safe: To hope for and expect happiness in life, when all mankind but myself are dead, would not be more deceiving than to propose comfort and security to myself and corporation when strangers are admitted to possess and enjoy by a law all that's valuable in this kingdom, (for this bill doth enfranchise all strangers that will swear and protest against popery,) with the liberties of every Englishman, after the vast expence of treasure and English blood it hath cost this kingdom in all times and ages of our forefathers, to secure them to themselves and their posterity.

Wherefore, Mr Speaker, I must beg pardon, if at this time I cannot sit silent, but express a zealous concern, as well for the kingdom in general, as for the place I represent in particular; and I am more moved thereunto whilst I see so many members sent here by their country for the conservation of the Englishman's liberties, so warm as to part with all to strangers with one vote.

The argument of the honourable person near me, to render all the care of our forefathers of no esteem amongst us, who are, or ought to be, the representatives of the kingdom, was to prove, that this age and generation are wiser (he did not say honester) than the former.

I remember a west-countryman, many years past, undertook to prove the same to me and my company beyond sea, by declaring his father was a fool to him. I yielded him that point, by concluding both to be such, and yet our forefathers might be wise men; I shall not, at this time, question the wisdom of those who promote the bill or their fathers. For myself, I declare in behalf of the wisdom and honesty of our predecessors; nor can I assent to the yielding up of the liberties and laws they derived unto us, only because some gentlemen think better of themselves (and perhaps mistakenly) than of their parents.

Sir, I was early instructed in a principle of deference to the wisdom of our ancestors, and, at this time, I tremble when I reflect on the correction given me by my master, that I might not forget but imitate and defend in all times this rule: Let them only be accounted good, just, and wise men, who regard and defend the statutes, laws, ordinances, and liberties which their forefathers' wisdom and experience obtained for them-

selves and posterity. Now, it is my opinion, Mr Speaker, that if those gentlemen who approve of this bill, had not only been taught that rule, but as well corrected as myself, they would be of my judgment; and I wish that they who depart from that rule, and sacrifice our English liberties to a number of mercenary foreigners, may not meet with a much more rigorous and exemplary chastisement from their enraged and ruined countrymen.

The arguments used for the bill are in substance these: First, A want of purchasers for our lands. Second, Of merchants. Third, Manufacturers, who can work cheaper than the English. Fourth, Husbandmen to till the ground.

To all these I shall return short answers; but if I debate not on them with that advantage and reason, as our land admirals can (no doubt) with great ingenuity on sea politicks, I hope the house will pardon me, for my observations never cost the kingdom such expence of money at home, and losses at sea, as hath the experience of those honourable persons in sea affairs.

First, it is argued by some, that we want purchasers of lands. This is a melancholy consideration; I therefore desire those gentlemen who approve of this bill, to tell me what it is hath brought us to this condition, that the landed men of England are reduced to so low an ebb that they must sell, and none left to buy, unless foreigners are naturalized. Doth this prove our forefathers wanted understanding? Or doth it not rather conclude it's occasioned by our want of theirs, and not following their examples, who never taxed their country to the ruin both of themselves and their posterity, nor did they expend the money of the kingdom on such allies as ours, who, as we have been informed by some of the privy-council, are not in our interest, and will spare us none of their men for our pay, without great pensions likewise for themselves? Can any man hope to persuade me, that our forefathers would have brought foreign soldiers into England, and pay them, and naturalize them likewise, and at the same time send the English soldiers abroad to fight in a strange land, without their pay?

Let us but abate our taxes, and, after the wise precedent of our fathers, pay our own seamen and soldiers at home, and send the foreigners back. Then the money will be found circulating at home, in such Englishmen's hands who may buy the lands that are to be sold, without naturalizing strangers.

Secondly, It's said we want more merchants. Whom may we thank for bringing so many to poverty? But I shall forbear grating, and desire the liberty to consider in short how the trade of England hath hitherto been carried on. Gentlemen have placed their younger children to merchants: their masters, observing their honesty and diligence, when they have gained some experience in the necessary parts of trade, generally send them abroad; to Turkey, all parts of the Levant, to Spain, Portugal, East and West Indies, and all parts where England holds any considerable commerce: there the young men are employed by, and entrusted with, the stocks and estates of their masters and friends, whereby all parties, both the principals at home and the factors abroad, are advantaged, and England enriched; (for there in the end all centres;) and at last, when they are satiated with gain, they return to their native soil, their friends and relations, for ease and enjoyment, making room for a younger generation to succeed in their profitable employments. Thus hitherto this kingdom hath advanced in riches, whilst the foreigners could not with success plant their factories on us, through the advantage we had by our laws. Let us but turn the tables, and consider the consequence. Suppose we pass this bill, and the Dutch (who no doubt will take the oaths as this bill directs, and protest against popery and paganism, and, on occasion, Christianity too, as at Japan) send their servants and factors hither, and we naturalize them, and let the capital stock, which gets an employ to these new-made Englishmen, belong to their masters and friends, who never did, or ever will, live amongst us, will it not then follow that the profit will be theirs, and not England's? and will

not the new-made English (yet Dutchman still) return to their country and friends with their gain, as our people hitherto have done? We may observe by our inland trade, that it's seldom they who make the manufactories gain estates, but those who employ their stocks in buying and selling what others make; and it's the same with merchants, those that export and import are the gainers; the first maker very seldom, the consumptioner never.

The conclusion then of this experiment must be this: That what hath hitherto been gain to England by English merchants and factors, will be turned to a foreign land, by the foreign mercenary merchants naturalized, for their own good, not England's.

But this is not all, for at once the art of navigation will be rendered useless. Whence then will be a nursery for seamen? for foreign merchants will naturalize foreign seamen; and when the press-masters find them, they will *Dutchen spraken min heer*, and avoid the service; but at the custom-house, exchange, and in all corporations, they will be found as good Englishmen as any of this house: From whence it followeth, that trade will be only carried on by foreign merchants and seamen, and the English seamen condemned to our men of war, and perhaps live there, as hitherto, without their pay, till another million be owing for wages, and in the interim have this only consolation and reward for service done, and to be done, that their wives and children may be subsisted with the alms of the parish, whilst foreign soldiers are maintained at home and abroad with their pay.

A third argument for admitting foreigners, is upon a supposed want we have of manufacturers, especially such as will work cheaper than the English. In my opinion this reasoning is extraordinary, and ought not to take air out of the house, lest the old English spirit should exert itself in defence of its liberties; for at this time, when all provisions are become excessive dear by the great quantities exported to Holland, which puts the poor English manufacturers on starving in most parts of England, for want of a full employ to enable them to support their families, by their honest and painful labour and industry, shall an English parliament let in strangers to undersell our country, which they may easily do, whilst they live in garrets, pay no taxes, and are bound to no duty? How shall we answer this to our country, who sent us here; when by so doing, instead of making the kingdom more populous, we provide only for the subsistence of foreigners, and put our countrymen to the choice of starving at home, or to turn soldiers, and be sent to Flanders, and starve there for want of their pay; for it's well known that, at this time, more commodities are in England than can be consumed abroad, or at home, which makes the poor manufacturers so miserable? All country gentlemen within this house have, for several sessions, laboured what they could to raise the price of the provisions which their lands produce, and some think it not great enough yet; and they would despise that man who should endeavour to lower the rates, by proposing a free importation of Irish cattle and corn, though he had no other design than that charitable and necessary one, of relieving the poor; and yet these very gentlemen are for this bill, because they would have the labour of the poor brought to a lower advantage. In my opinion this is a very unequal way of reasoning, that whilst we raise the price of the product of the land, for the gentlemen to live in a greater state, at the same time our consults are how to make the half-starved manufacturers, that live by their daily labour, more and more miserable. What opinion will the common people of England have of this house, and the gentlemen of the kingdom, whom nothing can please but what is made by foreigners, or comes from abroad?

Our palates for a long time have been so nice, that nothing but a French cook could please, nor could we persuade ourselves that our cloathing was good, unless from head to foot we were *a-la-mode de France*; the gentleman was not well served without a Frenchman, and the lady's commode could not sit right, if her fine French woman did

not put it on: Now on a sudden, the change is as violent in favour of the Dutch, who are great courtiers, and the only taking people, and our English are a sort of clumsy-fisted people if compared with the modish Dutch *hans* and *fro*; and in short the Englishmen are fit for nothing but to be sent to Flanders, and there either to fight, steal, or starve for want of pay. There is one thing, Mr Speaker, which comes into my mind, with which I shall close this consideration. What reason was there for blaming the mayors, aldermen, common councils, and other governors of corporations, for surrendering their charters, though they still retain the rights for Englishmen only to come into new charters, and at the same time hope to justify our proceedings, though we throw up the great charter of our English liberties to admit strangers?

A fourth pretence for this bill is, a want of husbandmen to till the ground: I shall say little on this head, but request the honourable person below me, to tell me of the forty thousand French, which he confesseth are come into England: How many does he know, that at this time follow the plough-tail? for it's my firm opinion, that not only the French, but any other nation this bill shall let in upon us, will never transplant themselves for the benefit of going to plough; they will contentedly leave the English the sole monopoly of that slavery.

Upon the whole, sir, it's my judgment, that should this bill pass, it will bring as great afflictions on this nation as ever fell upon the Egyptians; and one of their plagues we have at this time very severe upon us, I mean that of their land bringing forth frogs in abundance, even in the chambers of their kings: For there is no entering the courts of St James and Whitehall, the palaces of our hereditary kings, for the great noise and croaking of the Frog-landers.

Mr Speaker, This nation is a religious, just, and zealous nation, who, in some of their fits and zeal, have not only quarrelled and fought for the same, but have murdered and deposed kings, bishops, and priests, for the sake of their religion and liberties, which they pretended to prove from the Bible: We are the "religious representatives of this religious people," let us therefore learn instruction in this case before us, from that good book, where we may be informed, that St Paul, by being born free of heathen Rome, escaped a whipping, and valued and pleaded that privilege; and the chief captain of the Romans prides himself that he, with a great sum, had obtained that freedom, and feared greatly, when he had violated St Paul's liberty, only by binding him; and shall we set at nought the freedoms of the English nation, who are a religious Christian kingdom, and part with the same to strangers, for nothing unless the undoing of our own countrymen, who sent us here, "but not on this errand?" Certainly we should follow the example of the Roman captain, and fear and tremble when we consider the just provocation we shall give to the kingdom, who will expect that we preserve, and not destroy, every Englishman's birth-right.

Sir, We may farther learn, from that book, the fate of the Egyptians, who experimented, on the score of charity, what it is a people may expect from admitting strangers into their country and councils: Joseph was a stranger, sold a slave into Egypt, yet being taken into Pharaoh's council, he, by taxes, and other fine projects, brought the seven years plenty, God had blest the Egyptians with, into the granaries of Pharaoh; but when dearth came into the land, and the people cried to their king for relief, they were sent to the stranger Joseph, who getteth from them, for that which was once their own, all their money, their cattle, their lands, and last of all, their persons into slavery; though, at the same time, he did far otherwise by his own countrymen, for he placed them in the best of the land, the land of Goshen, and nourished them from the king's store. This example should teach us to be wise in time, seeing all this was done by the advice of a foreigner in the privy-council; and what may that country expect, where the head and many of the council are foreigners?

Sir, I perceive some gentlemen are uneasy; perhaps I have offended them, in suppo-

sing they are religious representatives, or concluding that their religion is to be proved from the Bible: If that be it which displeaseth, I beg their pardon, and promise not to offend again on that score; and will conclude all with this motion; that the serjeant be commanded to open the doors, and let us first kick the bill out of the house, and then foreigners out of the kingdom.

An Account of the Acres and Houses, with the proportional Tax, &c. of each County in England and Wales, humbly presented to the Lords and Commons. 1693.

My Lords and Gentlemen,

Of the proportional tax in decimals, an arithmetician, in two or three hours, may proportion each county's share of any number of thousand pounds, whatsoever shall be laid; and if it should be laid wholly on acres or houses, it would prove nearly as in the table: In which I remark, that London, or the lord mayor's jurisdiction only, without the suburbs in Middlesex and Southwark, bears near the sixteenth part of the tax; that Middlesex, abstracted from London, (the lord mayor's jurisdiction,) bears near the two and twentieth and half part of the tax; and both together, abstracted from Southwark, bear the ninth and half part of the tax; that Cumberland bears but one penny the acre towards the tax; but Middlesex, including London, bears five shillings and elevenpence the acre; that Yorkshire has about the tenth and half part of the acres of the whole kingdom, the eleventh part of the houses, (much about the same number with the bills of mortality,) and bears about a twentieth part of the tax. *It seems to me that* the places over-charged have about 150 parliament-men; those under-charged, about 130 men; those that have no reason to complain, about 220 men. Whether this table may shew reason for alteration of the method of taxing, I submit to proper judges. The matter of fact I here endeavour to demonstrate, and am,

My lords and gentlemen,

Your most obedient servant,

John Houghton, F.R.S.

Counties.	Monthly Tax, 1691. l. s. d.	Proportional Tax in Decimals.	Acres.	Houses.	Parts of the whole Tax.	Parts of the whole Acres.	Parts of the whole Houses.	Acres per House.	Year's Tax per Acre. s. d.	Year's Tax per House. s. d.
Bedford	1793 15 6	013032186	260000	12170	a 77th	a 154th	a 96th	21	1 8	35 6
Bucks	2630 12 10	019112214	441000	18390	52	91	63	24	1 5½	34 6
Berks	2264 13 2	016453262	527000	16906	61	76	69	31	1 0½	32 3
Cambridge	2040 0 0	014821067	570000	17347	50	70	67	33	1 2	38 0
Ely	699 15 10	005084147								
Chester	1495 14 4	010866724	720000	24054	86	55	48¼	30	0 6½	16 0
Chester City	106 16 8	000776168								
Cornwall	3081 16 6	022390164	960000	25374	45	42	46	38	0 9½	29 2
Cumberland	336 12 2	002445536	1040000	14825	410	384	784	70	0 1	5 6
Derby	1724 16 8	012531308	680000	21155	80	59	55	32	0 7¼	19 6
Devon	6459 18 4	046982775	1920000	56310	21	21	21	34	0 10	28 8
Exeter	232 14 8	001690860								
Dorset	2689 0 10	019586505	772000	21944	51	52	52	35	0 10	29 8
Pool	21 19 4	000159593								
Durham	647 13 6	004705507	610000	15984	213	66	73	38	0 3	9 9
Carried forward	26226 0 4	190538016	8500000	244459						

Counties.	Monthly Tax, 1691. l.	s.	d.	Proportional Tax in Decimals.	Acres.	Houses.	Parts of the whole Tax.	Acres.	Houses	Acres per House.	Year's Tax per Acre. s.	d.	House. s.	d.
Brought forward,	26226	0	4	190538016	8500000	244459								
York	6938	10	4	050409913	3770000	106151	20	10½	11	35	0	5½	15	8
Essex	6196	17	8	045021777	1240000	34819	22	32	33½	36	1	2½	43	0
Glocester	3617	0	6	026278514	800000	26764	37½	50	43½	30	1	1½	33	0
Glocester City	78	16	0	000572500										
Hereford	2263	6	8	016443636	660000	15006	61	61	77½	44	0	10	36	3
Hertford	2691	12	6	019555272	451000	16569	51	89	70	27½	1	5½	39	0
Huntington	1267	8	4	009208073	240000	8217	109	166	142	29	1	3½	37	0
Kent	6653	17	4	048341866	1248000	39242	21	32	29	32	1	3½	41	0
Lancaster	2013	7	0	014627449	1150000	40202	28	35	29	28½	0	5	12	0
Leicester	2169	8	6	015761370	560000	18702	64	71½	62	30½	0	11	28	0
Lincoln	5150	4	0	037417383	1740000	40590	27	23	28½	43	0	8½	30	6
London	8583	2	8	062358430	247000	30997	16		37½				66	8
Middlesex, Westm	6081	3	0	044179858		69139	22½½	162	16½	3½	5	11	21	0
Monmouth	780	0	0	005666878	340000	6490	177	118	180	52	0	6½	28	10
Northampton	2827	16	4	020544736	550000	24808	49	73	47	22	1	3	27	6
Nottingham	1746	16	0	012690902	560000	17554	79	71½	66½	32	0	9	24	8
Norfolk	6741	4	0	048976362	1148000	47180	19½	35	24½	24	1	6	36	2
Norwich	360	0	0	002615482										
Northumberland	745	11	4	005416712	1370000	22741	184	29	51	60	0	1½	7	10
Oxon	2271	1	4	016499819	534000	19007	61	75	61½	28	0	12½	28	8
Rutland	480	17	10	003493788	110000	3263	287	364	357	34	1	0½	35	4
Salop	2407	8	4	017490433	890000	23284	57	45	50	38½	0	7½	21	10
Stafford	1705	3	4	012388426	810000	23747	80½	49	49	34	0	6½	17	6
Lichfield	26	0	0	000188896										
Somerset	5543	1	4	040271649	1075000	44686	25	37	26	24	1	4	32	0
Bristol	398	16	8	002897615		5122	345		227				18	8
Southampton	4378	17	4	031813469	1312500	26851	31½	30½	43½	49	0	0½	39	2
Suffolk	6597	1	4	047929200	995000	34422	21	40	34	29	1	7	46	0
Surrey	3194	0	4	023205262	592000	34218	43	68	34	17½	1	3½	22	6
Sussex	3642	15	6	026465594	1140000	21537	38	35	54	53	0	9½	40	8
Warwick	2384	17	6	017326663	670000	21973	58	60	53	30	1	10½	26	0
Worcester	2107	18	0	015314376	540000	20634	62	74	56½	26	0	11½	25	10
Worcester City	110	19	0	000806077										
Wilts	3933	15	2	028579655	876000	27093	35	46	43	32	1	1	35	0
Westmorland	232	0	0	001685533	510000	6501	595	78½	179	79	0	1	8	6
Anglesey	251	7	4	001826234	200000	1840	550	200	630	109	0	3½	32	4
Brecknock	565	0	11	004105187	620000	5934	244	65	197	104	0	2½	22	10
Cardigan	211	11	7	001537171	520000	3163	650	77	370	164	0	1½	16	0
Caermarthen	544	13	4	003957128	700000	5352	254	57	218	131	0	2½	24	5
Carnarvan	293	4	4	002130286	370000	2765	470	108	423	134	0	2½	25	5
Denbigh	447	1	2	003247981	410000	6398	308	98	183	64	0	3½	16	9
Flint	237	14	8	001727187	160000	3150	580	250	371	51	0	4½	18	1
Glamorgan	757	15	8	005505469	540000	9644	182	74	121	56	0	4	18	10
Merioneth	201	12	2	001464730	500000	2590	685	80	451	193	0	1½	18	8
Montgomery	552	4	4	004019245	560000	5660	249	71½	207	99	0	3	23	5
Pembroke	653	0	0	004744194	420000	4329	201	95	270	97	0	4½	36	2
Haverford West	30	6	10	000220439										
Radnor	348	13	4	002533143	310000	3158	395	129	370	98	0	3½	26	6
Total	137641	18	2	1000000000	39938500	1175951								

His Majesty's most gracious Speech to both Houses of Parliament, with Additions and Explications: Directed to the House of Commons, by the Free-born People of England.

King William, upon his return from Flanders, in 1692, had to face his parliament under very unfavourable auspices. The Earl of Marlborough, the Bishop of Rochester, and some other peers, had been hastily imprisoned upon the false accusation of some profligate villains who wished to renew the part of Oates and Bedloe. The affairs at sea had been ill conducted, and, with the defeat at Steinkirk, had greatly incensed the House of Commons against the ministers. William, however, opened the session with a speech, in which, as usual on such occasions, he made the most of those topics which looked consolatory, and softened down others of a different tendency.

"Some authors," says Ralph, "tell us that this speech was received with the universal applause which it deserved: but if it was deservedly applauded it was not immediately applauded. The Commons adjourned for six days without proceeding to business by reason of the thinness of the house: and the proceedings of the Lords seemed to shew that they did not think what his majesty had so plausibly said concerning liberty and property, was sufficiently warranted by the measures of his government; The malcontents not only affected to wonder that the maintaining the confederacy and furnishing a suitable supply should be the only connecting circumstances between the crown and the people, but, from the alteration of his majesty's style concerning the power of France, which he calls *great* in the beginning of the war, and now *excessive*, to insinuate that our supplies were thrown away, and that the confederacy was not worth the cost. They had also the boldness to accuse his majesty of impolicy, in discoursing thus publicly of a descent, if he had really any such purpose, and of collusion if he had none: And they made no difficulty to point out the unlikelihood of his succeeding any better the next year, without a greater force, than he had done this."—Ralph, II. 387.

Gentlemen,

This speech you had very lately in the original; and because it is so very gracious, we presume the repetition of it, together with some few additions, and explications, may not be unacceptable to you, nor yet unworthy your consideration: And when you come to consider the speech, if you please withal to consider the respective notes and explications, we are persuaded that the whole kingdom will concur with us, that in so doing, you will neither dishonour your character, nor act unbecoming your high station, nor betray the trust reposed in you by the Commons of England.

In the first place, gentlemen, his majesty tells you,

"I am very glad to meet you again in parliament, where I have an opportunity of thanking you for the great supplies you have given me for the prosecution of this war; and I hope, by your advice and assistance, which has never failed me, to take such measures as may be most proper for supporting our common interest, against the excessive power of France."

Now, gentlemen, we, as free denisons of England, crave leave to observe to you, that this paragraph contains a very great truth, and confirmed by ample and undoubted testimony; all the people of England will, in this point, be evidence for the king;

that indeed you have given him very great supplies, and such as never before were given to a king of England, what wars or occasions soever they had: And, in this point, the king and all the people are agreed, that you are the most liberal House of Commons that ever sat within these walls: This therefore is no question, and can never be denied; no, not by the most obstinate. But there is another question that immediately follows at the heels of it; and that is, what is become of these great supplies? To what uses have they been put? Have the English seamen and soldiers been paid with them? Have they not been diverted into private channels, or put into foreigners pockets? Out of all the vast provisions you have made, the land-forces have scarce had subsistence-money, and the seamen not so much as that, but are left to live upon the credit of what you will give; and does it not deserve your enquiry where is the rest, and how it hath been disposed? Heretofore England hath singly waged war with France, and the parliament never gave the twentieth part of what you have done, and yet the soldiers were honestly paid, and over and above a good sum remaining in the king's coffers: But you have Germany, Spain, Savoy, and Holland to join with you; and yet your own quota not paid, but left to clamour and starve, though you have given enough to maintain the whole army of the confederates. It is true, the king gives you thanks for your great supplies; and, it must be confessed, that royal thanks deserve a just regard, and, it may be, may be worth so much money: But if the king had been pleased to tell you, that you had given him great supplies, and he had taken care that your own countrymen were only the better for it, that he had not disposed it to the Dutch, or to others, and laid the whole accounts before you to examine and inspect; it is probable this might have given the people more satisfaction than all the thanks in the world. The people of England indeed love civility well; but withal they love to be satisfied what becomes of their money. In the meantime, the king only thanks you for the money you have given him, as if you deserved thanks for nothing else. This would not have escaped reflection in the late reigns, and we should have been told that it savoured of arbitrary power, as if parliaments were called for nothing else but to give money; and if you deserve thanks for nothing else, it is plain, that is looked upon as the main end of your meeting, and that, of all your proceedings, is only grateful to the government: Your several endeavours about securing liberty and property, your concernments about the *habeas corpus*, regulating trials for treason, and some other things of advantage to the subject, (which proved abortive, and you know by whose means) one would think, might have merited some thanks from a prince who would be thought the great patron of both, and who in this very speech tells you, "You cannot be more concerned for the preservation of your liberties and properties than I am." But that, it seems, is none of your meritorious works; and some of you can tell what little thanks you received for being so much concerned for it; and you being frowned upon, and turned out of your places, is an instance of it; however, though this be not the subject of royal gratitude, yet your giving of money is. But here is a question, whether these thanks be designed for the supplies you have given, or only introductory of what you shall give? You may easily satisfy yourselves in this point; do but withhold your hands a little, and you will soon perceive it: For, when thanks come with demands in the mouth of them, it looks as if you were thanked, not for the good works you have done, but for those you shall do. And if this will do, it is certainly an easy course to deal with an English parliament; and, in a short time, every penny in the nation may be thanked into the Dutchmen's pockets. And if this will serve you instead of examining accounts, and enquiring into the expence of the nation's treasure, surely the experiment should first be made on the soldiers and seamen: Let them have the royal thanks for their blood and fighting, and try if it will stop their mouths, or find food and cloathing for themselves and families. If thanks will go instead of pay, by our consent they shall go for accounts too; but if they will not operate on the fleet or army, neither ought they to charm the house, or hinder you from enquiring into the disposing of those

monies you gave for those very uses. And there are other persons (thanks you are concerned in besides the king's; the people you represent, and whose purses you have so freely disposed: If you shall from time to time give immense sums, and in the meantime are very slack in enquiring what becomes of them, you may indeed have the thanks of the king, but you can never expect those of the people.

"We have great reason to rejoice in the happy victory, which, by the blessing of God, we obtained at sea; and I wish I could tell you, that the success at land had been answerable to it: I am sure my own subjects had so remarkable a share in both, that their bravery and courage must ever be remembered to their honour."

Now, as to the victory at sea, all we shall observe is, That the king is very modest: he calls it a happy victory, rather than a wonderful one, what fulsome, and almost blasphemous epithets soever some flattering divines have put upon it. But the king knows well enough, that when there was more odds than two to one, such a victory may be called any thing rather than a miracle. As to the matters at land, we suppose we need not observe to you, that the king had in his eye the loss of Namur, and the battle at Steinkirk; but it is observable, that the king does not now tell you, as he did at this time two years, to wit, "The he was not enabled to go into the field so soon as he should have done, nor were there funds raised in due time;" for your supplies were large and seasonable, and he was at the head of a great and numerous army, and more numerous by far than the French; and in that action all the remarkable part the king and his army had, was to stand still, and see the town taken before their eyes; and which indeed was very remarkable. But for Steinkirk, in that action the king's subjects (meaning the English, and excepting the Dutch) had a very remarkable part; for they were most remarkably knocked on the head, to the number of several thousands; and certainly it deserves the remark of you, and all the people of England, 1. By whose care and conduct your brethren were placed in a post of such danger; 2. How it came to pass that they were never relieved nor supported, but were left to be slaughtered like so many dogs, as if Englishmen, in the confederate army, were of the same use with Christians in that of the Turks heretofore, to set them foremost to blunt the swords of their enemies. If you have any regard for the blood of your countrymen, these things can never escape your enquiry: For certainly, the success of that action did more immediately concern the Spaniards and the Dutch than the English; for the war is flaming at their doors, but we are more remote; and although when a man's neighbour's house is on fire, there is reason for him to look to his own, yet none but a madman will burn himself to save his neighbour's goods, who will not venture to save them himself. Flanders and Holland are the immediate subjects of danger, and surely Englishmen perform fairly and honourably their part of the confederacy, if they venture as far as they; but to be set up as marks to be shot at, to let them sleep in whole skins, and to skreen their retreat, and then to smooth it over with the name of bravery, is like sending men first to a slaughter-house, and then calling them brave for being manfully butchered. And when those wise princes are so sparing of their people, what reason is there that we should be so prodigal of ours, except an Englishman be less valued by an English king, than a Dutchman by the States and Stadtholder, and than a Fleming by the Spaniard?

"The French are repairing their losses at sea with great diligence, and do design to augment their land forces considerably against the next campaign; which makes it absolutely necessary for our safety, that at least as great a force be maintained at sea and land, as we had the last year; and therefore I must ask you, gentlemen of the House of Commons, a supply suitable to so great an occasion."

If we understand the king right in this paragraph, he demands of you the same supplies you gave him last year; for he tells you, "'tis absolutely necessary, that at least as great a force be maintained as we had last year;" and suppose you should give them,

what wonders do you expect from them? The king tells you, the French are considerably augmenting their forces; and do you think that greater feats will be done this year, against a more numerous force, than was the last against a less? Is it worth five millions for a generalissimo and his army to see a great town taken from them, or to have 10,000 men killed to save the skins of the Spaniards and Dutch?[1] Or, finally, will the land and seamen be better paid? And is it not a thousand times better to keep our money in our pockets, than to give so many millions, and drain the heart's blood of the nation, and all to have nothing done, but another year's arrears added to the public debt of the kingdom? The soldiers were not paid with the last supplies you gave, how great soever they were, nor will they be paid by what you give now, though it should be twice as much; there are foreigners ready enough to receive it, should you give treble the value of the whole kingdom, and in good truth, it has hitherto been our money that hath paid their forces; and yet our soldiers must be exposed to all the dangers, and fight their battles, even without pay, when they are paid with our money, to lie still and see our men killed; and if they will not fight to save their own towns, nor yet to help our men, surely (if they were honest soldiers) they ought at least to fight for the pay you gave them.

And therefore we pray you farther to observe upon this point, that the princes in confederacy with us are as thrifty of their money as their men. What is the complete quota of the German, the Spaniard, the Savoyard, and the Dutch? And what supplies have they respectively raised, or propose to raise, for the maintenance of the next campaign? This surely highly deserves your enquiry; for the danger and the war too is primarily theirs; and if the burthen must lie heavy somewhere, surely it ought to lie upon them. It apparently concerns you to enquire into the state of the war abroad, and to proportion your supplies according to the standard of the rest of the confederates; for there is no reason in the world that this kingdom should be exhausted and beggared, and at the same time Holland continue in a state of opulency and plenty; there is a project on foot, that if the parliament will give supplies, (with a clause in the act of lending) the Dutchmen will lend the money, and receive the advantage of the interest, and of the return to Flanders; and if they are so able to lend, truly let them give to maintain the war; for their interest in the war is much more than ours; and it is enough in all conscience to suffer our men to be killed to save their persons, and not also to suffer our people to be impoverished to save their purses.

"I am very sensible how heavy this charge is upon my people; and it extremely afflicts me that 'tis not possible to be avoided, without exposing ourselves to inevitable ruin and destruction. The inconvenience of sending out of the kingdom great sums of money for the payment of the troops abroad, is indeed very considerable, and I so much wish it could be remedied, that if you can suggest to me any methods for the support of them, which may lessen this inconvenience, I shall be ready to receive them with all the satisfaction imaginable."

Here the king tells you, that "he is sensible of the inconveniences of sending great sums of money out of the kingdom to pay the troops abroad:" But this is expressed ambiguously; what troops abroad does the king mean? The twentieth part of the money that hath been sent out of the kingdom would have paid the English troops abroad; and yet they are not paid neither: And certainly there are no great sums sent out of the kingdom to pay troops that never were paid. You gave great sums indeed, and the king confesses great sums have been sent out of the kingdom to pay troops abroad; and it is the subject of a parliamentary enquiry, what troops these were; our

[1] Namur was taken in King William's very sight, the Mehaigne having swelled to such a height as rendered it impossible for the allies to pass it. This was looked upon as the greatest action in the reign of Louis XIV. At Steinkirk, there was an universal complaint, that Count Solmes refused to support the English during that desperate battle, saying scornfully, "he would see what sport the English bull-dogs would make."

own troops were not paid; and if these great sums were sent out to pay them, then the money is embezzled, and it ought to be searched in whose hands it was lodged, that they may refund it, and pay them now, and save the nation so much, and so much less given by the present supplies; And if this be the case, his majesty need not long wish to have it remedied, for the methods are very easy to suggest; do but you take care that no troops abroad are paid with our money but our own, and put it into the hands of commissioners of your own appointing; and then our troops will be paid, and the remitting sums to pay them abroad will be no such mighty inconvenience; our merchants will transmit a great part of it in trade, and the rest will not be felt: But if foreigners have the fingering our money, and it must come into the hands of Dutch paymasters; if great sums must be sent to Germany, Spain, Savoy, and Holland; this is an inconvenience we know no methods to lessen, but by stopping the sluices, and keeping our money within the kingdom. And it is a sober and great truth, that if you do not speedily take care to prevent the prodigious exportation of our coin, in a short time we shall neither have money to pay any troops abroad, nor yet for the people to subsist at home.

"None can desire more than I do, that a descent should be made into France; and therefore, notwithstanding the disappointment of that design this last summer, I intend to attempt it this next year with a much more considerable force; and as soon as I shall be enabled, all possible care and application shall be used towards it."

The descent into France this last summer was a mystery; but the meaning of proposing it now is very plain; 'tis to invite you to give money plentifully; and it must needs be a great encouragement, when France shall be made to repay it, or else to smart for it. Now this, perhaps, might have done with the credulous mob; but to a grave and wise senate is somewhat extraordinary. What an opinion has the king of your wisdoms, if he thinks to make you believe, that with 8 or 10,000 men he can over-run France! But perhaps declarations may do wonders, and the pretences of liberty and religion may work upon the subjects and new converts; this perhaps last year might have prevailed upon easy people, but cannot now, for the experiment hath been made; the Duke of Savoy, with a far greater number of men than the king is able to send, and with all the winning and tempting declarations to all sorts of people, new converts, papists, popish priests, entered France, ravaged at his pleasure, and had nobody to oppose him for some time; and yet few or none of that king's subjects (oppressed subjects) nor of the new converts joined him; he carried indeed 15,000 arms in expectation of it; but soon found he was mistaken, and sent them all back into Piedmont. And it is not for nothing that the king is silent of the Duke of Savoy's expedition. This sure might have gone for a happy victory: The duke burnt more towns than our fleet did ships, and the damage France sustained in Dauphin was far greater, and will be no longer in repairing, than what they lost at sea: But this, though it be the only thing that can be said to mitigate the terrible losses of the confederates at land, yet it must be passed over with profound silence, because then it would soon be perceived, what a fruitless thing a descent upon France would be; and so one of the most plausible pretences for giving money would be perfectly lost: however, a descent was designed last summer, and the king tells you it was disappointed; and certainly that miscarriage highly deserves your inspection; great sums were spent upon the preparations, and all lost for want of conduct and management; and surely at this time of day there is little need to throw away 5 or 600,000*l.* for no other purpose but to sail thirty leagues at sea, and return.

"And upon this occasion I cannot omit taking notice of that signal deliverance, which, by the good providence of God, we received this last spring, to the disappointment and confusion of our enemies designs and expectations. This has sufficiently shewn us how much we are exposed to the attempts of France, while that king is in a

condition to make them; let us therefore improve the advantage we have at this time, of being joined with most of the princes and states of Europe, against so dangerous an enemy. In this sure all men will agree, who have any love for their country, or any zeal for our religion: I cannot therefore doubt but you will continue to support me in this war against the declared enemy of this nation, and that you will give as speedy dispatch to the affairs before you, as the nature and importance of them will admit, that our preparations may be timely and effectual for the preservation of all that is dear and valuable to us."

In this paragraph, the king advises you to lay hold of this opportunity against France, because you are joined with most of the princes and states of Europe; and yet neither Denmark, nor Swedeland, nor Portugal, nor the Swiss cantons, nor the states of Italy (except Savoy), nor Venice, nor Poland, are engaged in the confederacy against France: and, which is yet more remarkable, Saxony hath perfectly quitted it. Brandenburgh acted so coldly last summer, that in all probability he will leave it before next; and Hanover was bribed into it by the hopes of an electorate; but that failing, he endeavours to put himself into a state of neutrality, and accordingly is already actually negociating for that purpose in the court of France: so that the next campaign France will have fewer enemies and more friends than she had the last; the two northern crowns are not only neuters, but plainly incline to him; not only maintain a trade with him, and assist him with materials for shipping, but with a considerable number of ships too, which they have sold him. Genoa, Tuscany, Mantua, are upon the point of declaring for him; the Swiss in a manner have broke the neutrality, and sided with France, not only by permitting him to levy men publickly, but by prohibiting the Germans a passage through their country: And Wertemberg, if he is not forced to comply with his terms, is in no manner of condition to do him injury; and, put all this together, you will find the confederacy against France is nothing near so formidable as it was the last campaign: So that the joining of the princes of Europe is no very taking topick for you to part with money; for you cannot expect to reap any advantage from a declining confederacy, when you have received nothing but loss by it when it was in its utmost vigour, except it be the advantage of having far greater sums of your money sent to the remaining part, to supply the places of them that leave it; for if so much of our money was forced to go, when they were united, how much think you will they want of it, when there is neither men, nor other assistance, from Saxony, Brandenburgh, Hanover, and Wirtembergh?

"I am sure I can have no interest but what is yours; we have the same religion to defend; and you cannot be more concerned for the preservation of your liberties and properties, than I am that you should always remain in the full possession and enjoyment of them; for I have no aim but to make you a happy people."

This paragraph is wholly persuasive, and to gain you the more readily to comply with his demands, the king recommends himself to you; as in the first place, that he can have no interest but what is yours, thereby meaning the English interest. And this is absolutely necessary, and a point that ought to be first settled, before any money be given; for if the interest of the king be divided from that of the people, it cannot be thought fit to trust him with the treasure of the nation, and to raise vast sums and put them into his hands, which may be employed to the advantage of a foreign interest, and to the prejudice of yours. Now it can never be denied but the king has actually a great interest in Holland, and as stadtholder his interests are twisted with those of that commonwealth; and which is the most prevailing interest is best discerned by such instances as will admit of comparison: Consider, then, what care and application was made to have 600,000*l.* paid to the Dutch, as the expence of the expedition into England; and reflect also what little care is taken to discharge the respective debts to the workmen at the several yards, the transport-vessels in the service of the govern-

ment, and those who have furnished the navy with stores and provisions: And it is a certain truth, that those of the last sort are forced to lend great sums to the government, to hook in their debts; 20,000*l.* must be lent to get payment of ten, and then tallies may be received for the whole; when at the same time the Dutch shall be punctually paid for all the materials wherewith they furnish the government: So that, if the respective interests be to be measured by the effects, the English interest comes as far behind that of the Dutch, as such kind of payments do that of ready money. The Dutch soldiers in the service of the government are likewise duly paid, and perhaps with double pay, while the English must shift as they can, and be hanged besides, if they grumble for it, though they must starve without it, as the late proceedings at Chatham and Portsmouth may abundantly inform you. The perilous and doubtful state of the East-India Company does also deserve consideration; the charter and incorporation are yet in the king's breast; and what are the secret reasons that hitherto have prevented its establishment? It is notorious, that the East-India trade is of mighty advantage to the Dutch, and which they have endeavoured to engross to themselves, and to out the English by all arts, fair or foul, ever since the first beginning of it, and nothing can be more grateful to them than to have the English trade broken or divided, or to stand upon such a precarious and unsettled bottom as may discourage the merchants. This is an advantage they know how to make use of; and the unsettled posture of our company here apparently tends to the fortifying and improving their interest, and the diminution of ours; and that which is more considerable than all the rest, it deserves enquiry for whose advantage we have been engaged in this expensive, and, in truth, unnecessary war; it hath cost the kingdom more treasure, perhaps, than all the wars of England since the Conquest put together; the positive expence of it (taking in all the losses at sea) have been near forty millions already (besides the privative in the loss and decay of trade), and for what end? If the matter be narrowly looked into, it is apparently to save the Dutch charges, and to preserve their barriers: For had we kept ourselves in peace, and preserved our trade, our men, and our money, it is evident to all the world, that though the Dutch *indeed* must have been at a greater expence, yet England, by a thousand degrees, would have been more able to balance the affairs of Europe than now we are. It is apparent enough, therefore, that this war, and all the charge we have been at, was purely for the sake of the Dutch. To this add the great prevalency of Dutch counsels: Have my Lord Portland and Monsieur Overkirk no other interest but yours? And the affections of a king are best known by his ministers; and when the great affairs of state shall be managed by their advice, we may be sure the Dutch will be no losers. And if all this be put together, 'tis apparent there is another great interest besides that of England, and which will turn the bias when these interests interfere: and when they come to be put in a balance against each other, the stadtholder will weigh down the king. It appears, therefore, to be no compliment, when the king four years since, in a letter to the States-General, acquainted them, that "he accepted the crown of England, that he might be in a better condition to do them service."

The next thing he insists upon is religion, meaning the protestant religion, and he tells you, "We have the same religion to defend," intimating the war you have been engaged in to be a religious war; and yet the kings of Denmark and Sweden (both very good protestants themselves, and kings of protestant countries,) have another opinion of it; they can turn the balance when they please, and if they thought their religion at stake, they would espouse the interest of the confederates; but their neutrality plainly speaks that they think religion is not concerned either way, and that the posture of the protestant religion will be much the same, which side soever get the better. Surely we are not to take the confederacy for a holy league; the late pope was at the bottom of it, and it requires a strong faith to believe that the pope would

form a confederacy for the advantage and defence of the protestant religion: And the emperor, who hath severely persecuted his protestant subjects in Hungary, and the King of Spain, under whom the bloody inquisition reigns, are like to be admirable defenders of the protestant religion; and yet these are the persons you must court, and you are invited to maintain an expensive and devouring alliance with the most bigotted papists in the world; and no doubt in defence of the protestant religion. The sheep may as well confederate with the wolves, and they will be as hopeful guardians for their lambs as the inquisition is for protestant religion. If the articles of alliance were publick, you would soon see what great care has been taken of our religion: But these must be kept as a secret, and yet you are provoked to empty and exhaust the kingdom in defence of a confederacy, the terms of which are a mystery, and you must by no means be permitted the knowledge of. In the mean time, 'tis plain enough, that the king in virtue of it, is obliged to defend and protect the papists against the laws; and the large and strange concessions to the papists in Ireland, and the great care taken here to rescue them from the laws, and to discharge the prosecution of them, is a demonstration of it; so that, if the confederacy must be denominated from religion, 'tis plainly a popish confederacy; for it has some regard to the safety and welfare of that, but none at all to the protestant religion. And in farther evidence of this, it need only be asked, whether the emperor and King of Spain be obliged by it to tolerate and give liberty of conscience to the protestants in their respective dominions, as the king is here to the papists, and if not (which no man can doubt) then 'tis plain, that all the religion the confederacy takes care of is popery. And so far as religion is concerned in the case, you are encouraged to give supplies to maintain the inquisition in Spain, and in the empire, persecution of protestants, and toleration and liberty to papists in England, Scotland, and Ireland.

Besides, it is very observable, that those princes who have already, and are about to abandon the confederacy, are of the protestant religion; Saxony actually hath, and Brandenburgh and Hanover are upon the point of leaving it. These princes know well the state of the confederacy, having themselves being engaged in it; and it seems they fear no such inundation of popery, and the protestant religion is as dear to them as to us: And it is a plain case, that what advantage soever the emperor and Spaniard may receive by it, they are sure the protestant religion will receive none.

Our religion therefore, however suggested to encourage the giving supplies, is in truth foreign to the whole matter; and the King of Spain may as well desire his subjects to give him money to maintain the inquisition, as you, in the same confederacy, to support the protestant religion: And it ought not to be forgotten that Schomberg, upon his entrance into France, by his master's command and authority, emitted a declaration, wherein, among other things, he declares to maintain the popish religion, (which hath escaped the translator, but is full in the original.) And to this add the destruction of episcopacy in Scotland, and you must needs be satisfied that all our money will be expended in defence of our religion.

Next the king tells, "That you cannot be more concerned for the preservation of your liberties and properties than he." If the king be so much concerned for them it is well; but we conceive that ought not to make you unconcerned: And however it comes to pass, there hath been as great and high a violation of them in this, as in any reign. The principal of all the rest is the closetting the members, and bribing their votes: This poisons our liberties in the fountain, and if you can be prevailed on to give away, or to suspend, our liberties, or to connive at the invasion of them, we shall derive slavery from the conservators of our liberties, and are uncapable of remedy. This was highly complained of in the last reign, and it is multiplied upon us: So as in this point we are reformed backwards; and from the closetting of one, we have reformed ourselves into the closetting of ten. In like manner, the foreign troops constantly

kept here, the free quarter of the soldiers, the illegal imprisonment of great and noble lords, and of commons, unwarrantable fines, and excessive bail, and many other things, in which the liberty of the subject is invaded in a high manner. And that which deserves your care as much as any of the rest is, that every profligate and perjured villain shall be admitted, if not countenanced, to accuse any person of what quality soever, and a man, whose word and oath shall not pass for a farthing, shall swear the greatest peer in the kingdom out of his liberty, and perhaps out of his life. This is a growing evil, and if there be not some effectual stop put to it, there is not one of you can be secure one moment, if there be but two rogues that will agree together, or can be taught to accuse you, or swear against you. These are plain and visible grievances, and we humbly represent them to you, and apply ourselves to you for remedy. You have now an opportunity before you to remedy all our evils, and to make such provisions as may effectually secure us for the time to come; and we need not remember you, that it hath always been the method of wise parliaments to "have their grievances redressed before they part with their money."

"Hitherto I have never spared to expose my own person for the good and welfare of this nation, and I am so sensible of your good affections to me, that I shall continue to do so with great chearfulness upon all occasions, wherein I may contribute to the honour and advantage of England."

The king concludes with recommending himself to you by his personal merits. We are not willing to suspect the king's bravery, especially having it from his own mouth, whatever some malicious people have said of his being at the battle of Steinkirk, at the top of a hill a great way off, and out of danger; and that he commands others into danger, but keeps out of harm's way himself:[1] But, however, we conceive that this age is not so fruitful of heroes as of flatterers; and this province might have been safely committed to John Archbishop of Canterbury, and to the Dean of St Paul's, and we are sorry the king lives among bad neighbours.

A Supplement to his Majesty's most gracious Speech. Directed to the Honourable House of Commons, by the Commons of England.

The session of parliament, 1693, opened amidst foreign loss and domestic dissention. The ministry, composed partly of whigs and partly of tories, distracted the cabinet with struggles and recrimination. Sir George Rooke had sailed with three and twenty sail of the line, to convoy the Mediterranean fleet of four hundred merchant vessels, but was surprised by the French fleet to the number of eighty sail near Cape St Vincent. After a running fight of short duration, two Dutch ships of war were taken, an English man of war and a pinnace burned, nine and twenty merchant vessels taken, and fifty destroyed by the French. Seven of the largest Smyrna traders fell into their hands, and four were sunk in the bay of Gibraltar. Sir Francis Wheeler, who had been dispatched on an expedition to the West Indies, was not more fortunate; he returned after unsuccessful attacks upon Martinique and Dominique, and an abortive demonstration against Canada, and arrived at Plymouth in a miserable state, having lost the greater part of his men by contagious disorders. An attempt on St Maloes proved equally unsuccessful; and

[1] This is a grievous calumny; William's personal courage amounted to total indifference to danger.

the resentment of the nation was raised to the highest pitch, inflamed as usual by the intrigues of the Jacobites. The campaign by land, if more honourable, was not consolatory. They had been taken in the view of the confederated army; and King William had received from Mareschal Luxembourg the decisive defeat of Landen, (following close upon those of Fleurs and Steinkirk,) and finally Charleroy was taken. In Piedmont the allies were equally unfortunate, having received a sanguinary defeat on the plain of Marsaglia, near Turin.

Under these evil auspices, King William arrived in England, and, finding the people clamorous and discontented, resolved to gratify them by a partial change of ministry. He accordingly dismissed the Earl of Nottingham, who was at this time excessively unpopular; named Russell for his commander at sea, and made some other changes, all of which were to the advantage of the whig party.

With these condescensions the king came down to parliament on the 7th of November, 1693, and opened the session with the following speech:—

"*My Lords and Gentlemen,*

"I am always glad to meet you here, and I could heartily wish that our satisfaction were not lessened at present, by the disadvantages we have received this year at land, and the miscarriages of our affairs at sea. I think it is evident that the former was only occasioned by the great number of our enemies, which exceeded ours in all places. For what relates to the latter, which has brought so great a disgrace on the nation, I have resented it extremely; and as I will take care that those who have not done their duty shall be punished, so I am resolved to use my utmost endeavours, that our power at sea may be rightly managed for the future: And it will well deserve your consideration, whether we are not defective, both in the number of our shipping, and in proper ports to the westward, for the better annoying our enemies and protecting our trade, which is so essential to the welfare of this kingdom."

"*My Lords and Gentlemen,*

"I am very sensible of the great affection wherewith you have always assisted me to support the charges of the war, which have been very great; and yet I am persuaded that the experience of this summer is sufficient to convince us all, that to arrive at a good end of it there will be a necessity of increasing our forces both by sea and land the next year.—Our allies have resolved to add to theirs; and I will not doubt but you will have such regard to the present exigencies, as that you will give me a suitable supply to enable me to do the like. I must, therefore, earnestly recommend to you, gentlemen of the House of Commons, to take such timely resolutions, as that your supplies may be effectual, and our preparations so forward, as will be necessary both for the security and the honour of the nation."

To add to the works of the greatest men, if the nature of the subject permits or requires it, hath never yet been thought an immodest undertaking, nor prejudicial to the honour of the first author. You are now most about the *ardua regni*, and indeed more arduous matters never yet came before your honourable body. It is not therefore to be conceived, that things of such a great and various nature should be all summed up in a short speech; nor is there reason to expect that the king should charge his memory by a long recital of particulars, how important soever they may be, and necessary for your inspection. We therefore, in all humility, in the name of all the commons of England, make bold to lay before you such additional matters which seem to us to be of the greatest weight, and absolutely require your consideration, and your grave wisdoms to apply some speedy and effectual remedy; and which are either but slightly touched, or wholly pretermitted by the king.

We confess indeed, that the king has laid the scene very large and wide, when he reckons our misfortunes, and the miscarriages that have been this last year, according to this division, "such as have been upon land, and such as have been at sea." This division is comprehensive, extends to all the calamities we groan under, and if you please to examine what hath been acted, or what hath been defective for want of acting on these two elements, according to the full latitude of these expressions, you will

not fail to discharge the trust reposed in you, and to see the cause and occasion of all our miseries.

But, however the king hath been so large in the general, we conceive he is not so express in particulars; which therefore we humbly crave leave to supply and lay before you, by a just and impartial representation of such instances, which nothing in the world can obscure, palliate, or excuse; and out of deference and reverence to his majesty, we shall do it according to the same division, and begin with the latter.

"Such miscarriages as have been at sea."[1] These have been so terrible, that they make all our hearts ache; the merchant feels the immediate stroke, but the influence extends all over the kingdom. The loss of the effects (how great and considerable soever) is the least of the evils; the whole trade is in danger to be lost, the navigation diminished; the industrious merchant is exhausted and discouraged; many have not the ability, and many not the will, to venture any more their interests under that unfortunate and impolitick conduct, they have already so often and so dreadfully miscarried. The king calls this a disgrace, and indeed it is so; but if that was all, it was no great matter; the merchants, we suppose, could bear the shame well enough, if they had but their effects; and if such prodigious losses affect only the modesty of the nation, we are pretty well yet; we may blush, or so, and the harm is over. If the merchants interpret that which hath sucked out their very heart's blood, to be only some disgrace to them, we presume they are the modestest men living. However, let the disgrace be what it will, that might be repaired again by an honourable action; but as the case stands, this is irreparable, our honour and interest are both sunk together; the most beneficial trade we have is almost, if not altogether, ruined, and that apparently by ill management. The winds and the storms the merchant bears patiently, and his losses redouble his vigour and industry; but when he is ruined by his guard, when he is convoyed into destruction, this admits of neither remedy nor hope; and there is not so much as chance or contingency to encourage him; and every man will conclude it is time to give over, and to sit still, rather than to freight his ships for the benefit of enemies, and run the risk of such desperate adventures. The king tells you that "trade is essential to the welfare of this kingdom:" Then our welfare is lost with our trade, as being essential to it, and the most flourishing kingdom in Europe is reduced to barrenness and penury. Our money is gone abroad already, and if our trade, which should supply us with more, is gone after it too, we have nothing left but to lament our miseries, and with that stinging aggravation, that they are irrecoverable. The commodiousness of our ports, the skill of our merchants, the expertness of our seamen, all the cost in the world, will stand us in no stead, but to make us more unhappy; all the advantages are poisoned in the conduct, and made the instruments of our misfortunes.

But here the king tells you, that "he hath resented it extremely; and that he will take care that those who have not done their duty shall be punished." It may be so; but here we crave leave to add this supplement, that we hope this will not hinder nor abate the resentments, nor take off the care from bringing the offenders to condign punishment. The king's resentments and cares ought to be a spur to yours, and thereby yours will do two great things at once, both imitate the king, and consult the safety of the nation; and in order to this, we humbly propose these following things, as highly deserving your enquiry.

1. How it came to pass, and by whose means, that the merchants, after so many petitions and addresses, were for some months detained, and no importunity could ob-

[1] The fleet of France was lost at the battle of La Hogue; but most of the sailors escaped on shore, and were employed in manning small armed vessels and privateers, which made extensive depredations on the English trade.

tain either convoy or leave to prosecute their voyage; and they were reserved to that critical time, when the French fleet were just ready and prepared to receive them. If the French themselves had had the conduct of our fleet, they could never have timed it better; they are no sooner got into the Streights, but our Smyrna fleet is sent into their mouths. Put these together, that the merchants were ready many months before, and all the application they could make could never procure liberty, but they must go then, just then, when nothing could hinder them from falling into the French hands. And we shall leave it with any considering man, whether it be possible to believe but there was treachery in the case, at whose door soever it will lie. And it is not for nothing that our fleet was scarcely out of sight, but there was a general report about the town, that it was in danger to be taken by the French; which evidently proves, that the contrivers of their going out were privy to the secret, and knew well enough what would become of them. To this may be added,

2. What was the reason, and who was in the fault, that our grand fleet, which set out with them, did not see them out of danger?[1] Was the grand fleet designed only to compliment Sir George Rook and the merchantmen, and to bring them so far on their way, and wish them a good voyage? If this were all indeed, they did their parts, and a gun at parting would fully execute their commission; but if it was to protect them from the French fleet, what fair reason can be given that they left them so soon, or that they left them at all, until they were sure they were clear of danger? Was it upon supposition the French fleet was not out? This is a fine conduct indeed, to leave matters of this consequence to guesses and suppositions. The merchants had staid long enough, and there were frigates enough, and to spare, to have sent to Brest, if the matter had been doubted. And we are in a fine condition, when matters of such importance must be managed by uncertain conjectures; and when our prime ministers neither have good intelligence, nor will give such orders whereby they cannot fail of it. But we believe this is not the fault; and any rational man, who impartially considers this conduct, will conclude, that the supposition was on the contrary hand, and it was so fatally managed, upon the supposition the French were out, rather than upon supposition that they were not.

3. Another miscarriage deserving your enquiry is, that after this woeful loss, and the exact knowledge of it, our grand fleet again set sail; who was in the fault that they did not directly sail to the Streights, and repair our lost honour upon our enemies? The French fleet was then foul with their long voyage, some of their ships disabled, and the fleet certainly weakened, so as they were in no good condition to resist the force of our fleet, which was fresh, and so well prepared. This might have redeemed our loss, at least have compensated it; but instead of this, we do nothing but sail some leagues to sea, and then return, as if the business of our grand fleet was for nothing else but to make a flourish, to ride in triumph over the waves, but not to fight with our enemies. And surely it is matter of enquiry, whose fault was it that this promising opportunity was lost? Was it for want of orders? Or for not executing them? Or for want of necessary stores and provisions? Each of these are unpardonable miscarriages, and will lie somewhere; and we hope your wisdoms will search this to the bottom. For it is a lamentable thing, that the treasure of the nation must be thus lavished away; that our navy must be rigged at incredible expence, and all for nothing else but to furl their sails. If the business of the fleet be only show, and not action, we think a pasteboard ship at my lord mayor's show might do as well as any in the ports, and save the nation a great deal of money in their pockets.

[1] The grand fleet, both Dutch and English, sailed some leagues with Sir George Rooke, until they thought him out of danger from the Brest fleet, and then returned to England. But the French squadron unexpectedly left Brest, and united with that at Toulon, which enabled them to muster such a superior force in the Mediterranean.

4. Notwithstanding all this, and that our fleet hath hardly been from home, the French privateers have been more busy and bold than ever; they lie perpetually on our coasts, take our vessels out of our harbours, and sometimes in the very sight of the fleet. And what does our fleet signify, that can secure us neither at home nor abroad? Heretofore we used to boast of our wooden castles, as the strength and defence of our country; and the truth is, our ships and our seamen are as good as ever; but if they are made unserviceable and useless by ill conduct, it is all one to have no fleet at all, as none to defend us.'

For the close of this, the king tells you, "It will deserve your consideration, whether we are not defective in the number of our shipping," and intimates his desires that you would supply that defect; but except you supply the defect of conduct, you may provide as many ships as will bridle the ocean, and just to as much purpose as those you have already. And the truth is, we have ships and men enough, but our want is more honest and able ministers: And if we must lay out our money to supply the defects of the navy, let us do it where the need lies, and purchase wise and faithful managers. And we know no reason why our money may not buy faithful counsellors as well as the French money can buy treacherous ones. In short, if you make provisions for the navy, we beseech you to begin at the right end, to provide us just and skilful ministers of state; for let the ships and commanders be what they will, while they must act under the direction of corrupt and selfish ministers, we can never hope to be better. This is an error in the first concoction, and can never be rectified; in vain therefore do you provide ships and supplies, if you do not take care of the helm, and see that such honest guides are set up, who will mind their country more than themselves, and the publick interest more than their own.

The next branch of the division is, the miscarriages (the king calls them the disadvantages) at land. And these *indeed are by no means equal to, because they are far* greater than those at sea. The loss of Heidelberg and Roses, of Huy and Charleroy, besides the *terrible defeats in two* pitched battles, the one in Flanders, the other in Piedmont; in all which, besides the towns and castles, the artillery and baggage, the confederates lost very few less than fifty thousand men. But to come to that in which we were more immediately concerned, and that is the battle at Landen; of which the king tells you, that "it was only occasioned by the great number of our enemies, which exceeded ours." Now we cannot deny the truth of this; for it is unaccountable that an equal, or less number of men sh ll storm a camp, and make such terrible havock and slaughter, and take most of the heavy cannon and baggage. But this notwithstanding, there are two things to be added by way of supplement.

1. How it came to pass that at that battle the French came to exceed ours in number? The confederate army were eighty thousand men; and if they had been kept in a body, or near together, they would have equalled, if not exceeded, the French: But by a new martial policy, a great detachment was sent away under the Duke of Wirtemberg, and another greater to cover Liege and Maestricht; and then, when our army was weakened, the French fought and beat us; and what better could be expected? 'Tis in vain here to say, we did not think the French would attack us, but that they would direct their course towards Liege or Maestricht; for that, instead of mending the matter, makes it worse, and the miscarriages greater; for it is inexcusable in a general to say, he did not think of his enemies; *non licet in bello bis peccare.* And it is a greater dishonour to a general to be surprised and taken unawares, than to be beaten; for victory is an act of Providence, but the other is his own negligence,

[1] Burnet himself admits, that the French, though weaker at sea, were much more successful there, and that the English lost much, both in honour and interest, upon the element where they were naturally superior to their rivals.

or want of prudence: The English of this is, that Luxemburg outwitted us; and we are like to have a fair account, when our enemies are stronger in their heads and arms. The king tells you, it is necessary to augment our forces, and hopes you will accordingly supply him; but according to the measures of the last summer's campaign, it is impossible to know what numbers are necessary; for you must not only provide a sufficient number to fight, but a sufficient number also to be sent away. And what number or purse is sufficient for both these purposes, we doubt, will puzzle your arithmetick as well as ours.

2. The other thing we crave leave to add is, the unaccountable conduct of removing our camp, in such a juncture, from a strong and well-fortified place, to pitch it in a plain. One would have imagined, when our army was so much weakened, a little foresight would have taught us to keep in the strongest hold: had we continued in our camp at Park-Abbey, the French would have found it a tough piece of work to have forced it; and Luxemburg knew it, and therefore enticed us out, and made his advantage of it. But this is not all; we are not only contented to relinquish a place of strength, but we must encamp so awkwardly as to place a river behind us; whereas any man who had the experience but of one year's campaign, would easily have seen the incommodiousness of such an encampment:[1] And that the river ought to have been before, and not behind us; both to hinder the approaches of the enemy, and, in case of defeat, to secure a safer retreat; and the event plainly proved it to our cost: For the situation of our camp gave far easier access to the French than they could have had, if they had been to approach us over a river; and upon the victory, the river served not only to bar a regular retreat, but made even the confused flight far more desperate; and it had these two fatal effects, to keep us longer under our enemies swords, and to drown our men when they fled from them; and, in truth, the river destroyed far more of our army than the French did, or could do. There is great reason therefore that you should augment our forces, that you may be sure to have enough to make bridges to secure the retreat of the rest,

And thus much we thought good humbly to add, with respect to the martial miscarriages: But there are others of a civil nature, and, God knows, these are not less fatal to the welfare of our nation; it destroys us at home, as these do abroad. We need not go into Flanders for our destruction. We have cankers and moths in our own bowels, which consume us as effectually as our enemies swords. There is no doubt but you will have complaints enough from all quarters, and the miseries this poor nation labours under will reach your ears from all parts of the land, and we hope you will relieve them. We shall therefore select a very few, out of that great number, to represent unto you.

And the first is, the misemployment of our treasure. Our money is spent contrary to the ends for which you gave it. This is plain to a demonstration. You gave last year five millions to defray the expence of this year's war; a sum indeed sufficient, and to spare, and more than ever this kingdom before paid in one year, and yet neither our seamen nor our land-forces are paid. A proclamation was issued out to continue the seamen in pay all the winter, which is only to multiply an unnecessary charge, and without the least advantage; but this was only to prevent the murmurings and complaints of the seamen, but this will not do; for the cries of their families, and their own want of bread, makes them desperate, and their complaints fill the ears of the government, and of all men besides. Their wives and children live upon trust, in hopes of repayment when the summer's expedition is over; but now their creditors are weary of trusting, and will give them no more credit, as having no prospect when they shall

[1] It is said, that when Luxembourg observed William's camp at Neerwinden, previous to the attack, he exclaimed, "that he now believed Waldeck really was dead!"

be paid. And this is the state of most of our seamen; and it is dismally sad that they must venture their lives, and themselves and their families be starved for their pains. The case is not one jot better with the land-forces: They have neither pay nor subsistence-money; And to give you one instance for all. In the Tower Hamlets some hundreds are quartered, and they lived so long upon their hosts that they both grumbled, and upon the same reason, for want of pay, one from the government, the other from the soldier; insomuch, that a fortnight since, my Lord Lucas (no doubt by superior direction) sent the officers of the respective parishes to all the publick houses, acquainting them, that if they would trust each soldier as far as three shillings a-week, he would be responsible, and see them paid.

This is demonstration that our forces are not paid, and they must either subsist upon trust, or upon free quarter, or perish.

This is not only the case of the soldiers, but of all other persons concerned relative to the war. Those who have furnished naval stores and arms; the workmen who belong to the respective yards, &c. they are all in the same condition, and have no hopes but the expectation of what you will give. And now let us ask, if any mortal man can believe that five millions was not abundantly sufficient to defray the whole expence of this year? Nay, whether the one half of it be not more than sufficient? And yet the publick debts still increase upon us, and by a strange state paradox, the more you give the more you owe. By this rule your supplies will but set us further behind-hand; for if five millions have run us so much in debt, what will ten millions do? In short, you may give what you will, but without some effectual care, and more than hath hitherto been taken, the issue will be always the same; for if, when you have given more than enough, the forces, &c. are not paid, neither will they if you give ten times more: For when our money is once diverted into a wrong channel, the same stream will carry away all we have, and with the same ease and security. This, *therefore*, is an unsufferable grievance, in whose hands soever it *lies*; and is no less than robbing the nation and abusing your supplies. Give us leave to speak a sad but a plain truth; if any pensioner pockets up any of the publick monies, he does not only betray his trust and his country, but he devours the blood of the soldiers and seamen, and feeds upon the spoils of the people. The eyes of all the nation are upon you in this particular: And if you do not make a strict and impartial enquiry into this last year's expence, they will be tempted to think, what some do not stick to say, not only that you do not care what becomes of our money, but that you dare not dive too deep into the accounts, lest your own names be found there; and you are forced to connive at other men's guilts lest you discover your own. We therefore earnestly pray you, for your own sakes as well as ours, that before you give any more money you will carefully examine the public accounts, and see first what is become of the last. That you will diligently inspect through whose hands it passed, to whom disposed, and for what uses. And we do not doubt but you will find at the least the one half of it embezzled or misapplied; and we hope you will not only detect and punish whom you shall find guilty, but make them refund, and restore also what, in plain English, they have stolen from the nation.

2. The exportation of corn in a time of scarcity, or (which is all one) to make a time of scarcity. Wheaten bread is now in London twelve shillings and eight-pence a bushel, and white bread eighteen shillings; and corn all over the kingdom bears some proportion to this, and rises in the price respectively to the different places, and is three times dearer than usual, especially considering the seasonable harvest. And this is plainly the effect of exportation; and we have Dutch factors all over the nation, raising the markets and starving the poor. And we cannot but take notice of a late proclamation, both here and in Ireland, forbidding, under strict penalties, to transport corn to France, which is a pleasant business, when it is already, by act of parliament, made treason to correspond there. But this proclamation has two edges; the one was to lay

the odium of the dearth upon we know not who, Jacobites; as if all the corn had been by their means transported into France. And this hath been artificially and industriously spread through the countries, but this had like to have spoiled the project; for the country took the alarm, and was glad of any occasion to keep their corn at home, and rose unanimously to defend their corn from French harpies. But upon second thoughts, it was judged convenient to send some soldiers to the ports, and other places, to keep the people in order, and patiently to see their corn carried away before their eyes; from whence it is notorious enough, that our corn goes to Holland and not to France.

And, accordingly, the other end of the proclamation is plainly to encourage the transporting it to Holland. A prohibition to France is a tacit direction to Holland. It had not been very plausible, nor perhaps safe, to have sent out orders for the transporting corn to the Low Countries; but this might be done as well by a side-wind; it is but proclaiming that none must be sent to France, and then the inference is obvious there is no danger in carrying it to Holland; nay, not to leave the matter to inference and collection, there are positive and direct orders in the ports of England and Ireland, not only to permit the factors for corn to buy and ship it, but are ordered convoys to guard them to Holland. From whence we plainly see from what quarter our scarcity comes, and what great compassion we bear to the poor of England. Let the Dutch have but plenty, and it is no matter if our poor be starved. We need say very little in this particular to awaken your diligence in examining it, nor what great care our laws have taken to preserve equal the prices of corn, by the provisions they make against restrators, forestallers, and monopolizers: For if you do not take some care, and that speedily too, the poor will carve for themselves, as they have already in some places: Hunger breaks through stone walls; and if famine comes on us by your neglect, you must thank yourselves if the poor fill their bellies at your cost, and eat up what you had provided for your own meals.

3. The corrupt administration of justice. This is the worst crime in a commonwealth: A murderer or thief breaks the laws, but a corrupt judge both breaks and debauches it, and poisons the fountains of justice. Do we not daily see judges acting under the directions of the ministers of state, as if a judge was sworn not to be guided by the laws, but by the secretaries. The poor and scandalous acts of picking up and cherishing the most profligate villains to make evidences of, as in the case of Fuller,[1] Holland, &c. The intolerable and illegal fines, when a man, not worth a farthing, shall be fined two or three hundred pounds, contrary to the direction of the law, which always limits fines to men's abilities, and with a *salvo contenemento;* of this, every sessions gives notorious instances, and particularly the last, when one Mr Cooke, upon the single evidence of a beggar and vagabond papist, and that evidence not direct to the fact neither, but only by hear-say; for she swears she saw him set a seal, and heard Mrs M—— say it was the seal of my Lord Nottingham, and this is all that came up to the indictment; and yet, upon such an evidence, the man was found guilty, and fined two hundred pounds; and Mr Recorder, by wonderful eloquence, made him believe the court did him a favour in not setting him in the pillory. And is not this, think you, an admirable course of justice when an evidence, by hear-say, shall be sufficient to convict a man? And if you please to consult the records of the sessions, you will find a great number of such shameless cases. Perhaps it may be said here, that the persons convicted either were, or were suspected to be Jacobites, and so no friends to the government, and no matter what became of them: But we are not pleading for

[1] Fuller, a prisoner in the King's Bench, endeavoured to attract attention by a discovery of a pretended plot in Lancashire, but was declared an impostor, prosecuted at the instance of the commons, and condemned to the pillory; to which painful pre-eminence he was again exalted for pretending to discover the real mother of the Chevalier St George.

the Jacobites, but for justice; and Justice is blind and knows no parties. And we presume, under former governments (when these things were complained of) the respective persons, under such sentences, were not thought to be friends to the respective governments. If the administration of justice is limited to persons and parties, and not to things and legal proofs, it is partial and corrupt; and we are not governed by the plain rules of law, but by faction and passion.

But if this was the worst, and such partial distributing of justice concerned only the subject's liberty and property, it might be the better borne. But in very case of life it is just the same; these men make no more to hang a man contrary to law than to fine him. The case of Captain Ashton you all know, and there hath long since an opinion been given of it in the House of Peers: But there is a fresh instance of one Anderton, a printer, who was murdered by the bench, against the plain words and express direction of the law, in that case made and provided.[1] The whole is very well worthy of your notice; but we shall not take up your time with mentioning the want of one, much less of two direct evidences to the fact charged upon *him*, (which the law expressly requires in the case of treason,) nor the indirect means to induce the jury to find him guilty, by brow-beating, threatening, and such like; which so over-awed the jury, that most of them brought in a verdict directly contrary to their judgments. To omit these, which deserve your enquiry: The single question is, Whether printing be treason, according to the laws of England? He was indicted on the statute of treasons, 25 Edw. III. Now, it is as plain as the sun, that printing could not be treason by the express words of that act, for printing was not in use, nor known, when that act was made; and it is to be remembered, that that act limits treasons, and expressly declares that there shall be no treasons for the future but what are there expressed, but what shall be declared in parliament. If it be said, though it be not there expressly, it is virtually, and by interpretation: But pray, what kind of treasons are those which are virtual, and interpretative treasons? Our laws know no treasons by inference and consequence, but what are plain and express in the law. But whose interpretation is this? The interpretation of the judge or of the law? The judge hath interpreted it so indeed, and hath hanged a man upon it; but the law hath interpreted it quite otherwise; and the law is so far from interpreting printing to be treason, that it hath plainly declared that it is not so, and consequently not within that act. The statute 14 Car. II. hath made provision for the very case, hath taken notice of, and assigned punishments for the printing seditious libels, and some of them hath been left to the discretion of the bench, but with this negative clause expressly, "not extending to life." This is a plain case that printing seditious libels is not interpreted treason by the law, but the contrary; and if it be not treason by the construction of the law, then, by the same construction, it is not treason within the statute of treasons. For the fact is not express in that statute, nor could be; the question is only concerning the construction of it; and the law hath already construed it not to be treason, as not extending to life. So that the construction of law is in direct opposition to the construction of Judge Treby; and he hath hanged a man in downright contradiction to the very words of the law. Now, it is to be remembered, that this law of printing is your own; and you have made it your own act by reviving it; and to have your own laws invaded openly before your faces, is such an unparalleled boldness that no words can sufficiently express; and in the case of life it is murder besides. We are no patrons of seditious libels; let the printers of them be punished, but then let them be punished according to law, and not by arbitrary constructions and wrestlings, which will serve (if the judge be so disposed) to hang any man in the world: For if he construe one thing to be treason, con-

[1] See some account of this remarkable case in the introductory note on a previous tract, in the present volume, entitled "A French Conquest neither desirable nor practicable," p. 471.

trary to the express words of law, he may, by the same reason, construe another thing to be so; and so at length our lives and properties shall not be judged by just laws, but by unjust men.

Upon the whole; if the current of justice be suffered to run in the same channel, no man is safe; yourselves are as obnoxious as others; for when once you come to be out of parliament, and the sessions is over, you are equally liable to the lash of these men with ourselves. You may make what laws you please; but if you do not take care that they are more honestly executed, your good laws will stand you in as little stead as they do us. The English laws indeed are the best in the world, but if they are administered by the worst of men, we are never the better. There is nothing more merciful and tender, in the case of life, than our laws, allowing all the favourable construction and latitude that the case can admit of; but if they shall be cramped and pinched by a corrupt judge, to the destruction of the prisoner, what good does the equity and favour of the laws do him? Our laws are so very averse to cruelty and blood, that they will not permit a butcher, as a juryman, to pass upon life and death; but what does that signify if butchers shall be permitted to sit upon the bench?

4. The posture of foreigners within this kingdom. This is a matter of high consequence, and requires a strict and cautious eye, not only of yourselves, but of every Englishman besides. Foreigners have always a separate interest from that of the nation; and if for numbers, or upon any other consideration, they become formidable, it is high time for the natives to look to themselves, and to provide for their own safety and security. This kingdom hath already smarted under two fatal instances; the one of the Saxons, the other of the Danes, who being respectively called in, upon the pretence of assistance, so soon as opportunity was ripe, made themselves masters of the country, killed our princes and nobles, and made the rest their slaves and vassals. The memory of this continues fresh among us, and is proverbially transmitted to posterity; and so long as the name of Lord Dane remains, will never be forgotten. And our dear-bought experience, one would think, should teach us wisdom in this case, and make us beware of foreigners, and careful how we trust them. Now, we need not remind you, that a great part of the military force of this kingdom is in the hands of foreigners. Most of the commanders of the army are strangers to us; know not our laws and constitution, nor have any kindness for them, but have, must have, ends of their own, divided from that of the publick welfare of the nation and people. Give us leave here to wonder, and let all the world wonder with us, that the ecclesiastical bench in the House of Lords should not only vote for this, but make speeches in defence of it. It was a smart reply made by a noble lord, That he might, in a short time, see Dutch bishops in that bench, as well as Dutch officers in the army: that our souls might as safely be committed to their care, as our lives, liberties, and estates: And, in truth, if we give the sword into their hands, which governs all things, we may soon have not only Dutch bishops, Dutch presbyters, and Dutch commanders, but Dutch lords, Dutch commons, and Dutch every thing; and Lord Dutch may become as formidable to us as Lord Dane was to our ancestors: For it is as clear as the light, give them power to defend us, and they have power to ruin us; and those who will fight for us only for their interests, will fight against us upon the same inducement; and if they can find their account in it, we may soon feel the effects of their valour in subduing us, when they are not able to master our enemies. A fat morsel is good prey to a soldier of fortune: And if he can make his fortune at our cost, we must own ourselves beholden to him if he does not carve liberally for himself, though it be upon our bones and carcases.

And if you please to consider the posture of foreigners amongst us, you will find not only that most of our troops are composed of our old task-masters the Danes, and of the Dutch and the French refugees, but (which extremely sharpens this consideration) that there are also a great party of foreigners in the heart of the nation, who may soon

be, if they are not already, prepared to second any attempt, if not to act in conjunction with them. This inference is so natural, that nothing but the utmost forgetfulness of ourselves can make us careless on that hand. But if there be violent presumptions, nay, apparent evidences, that some great matter is brewing among them, 'tis no less than desperate infatuation to lie secure and negligent under such threatening dangers in our own bowels. It is not unknown to you, how great a number there are of French refugees in and about this city, who are in full union with their brethren in the army; nor what military authority and power the Duke of Lemster, their countryman, hath in this kingdom; nor can it be doubted but he hath great authority and influence over them, and manages them according to such methods and councils as may best answer the ends which are driven at: That accordingly most of the French refugees, who are able to bear arms, are actually armed and listed under distinct officers, and of whom the said duke is chief; that there have been several sums of money distributed to them, and some in particular by the said duke, in all probability to supply themselves with weapons, to use upon such occasions as they shall be called to, when opportunity serves; that, in pursuance of this, several thousands of arms have been made and bought up by them; and that, in particular, one gunsmith in the Minories contracted with some of the French refugees for 500 case of pistols, of a size shorter than holster pistols, and which he accordingly made, and half of the money was paid him beforehand, and the rest at the delivery of the pistols: And that other gunsmiths in the Minories had full employment from the same hands, in the same work; and, 'tis said, they have not bought up less than 8000 of these cases of pistols. It is here matter of your serious consideration, what use these kind of pistols are to be put to. It is certain they are not for employment in the field; and it is as certain they are fitted for the work they drive at; and we shall leave it with you, whether it does not portend some sudden and secret execution of a barbarous nature. That accordingly several threatening speeches have been given out, that some persons, at a certain time, should have their throats cut; and some of them are grown to that confidence, as to make particular threatenings, which shews they are almost sure of their design. A French minister sent several letters to a very considerable clergyman, threatening him, that he was a dead man; that he was to buy a halter for himself, that there was a gallows prepared for him, which he must first ascend and mount. Further yet, that there have been, not long since, 700 tickets, of mysterious figures and characters, scattered about St Ann's parish, among the habitations of the French refugees, and thrown into several houses, which plainly import some secret and mysterious design. And, to close up all, there are almost every week great numbers of French refugees, and other foreigners, brought over hither from beyond the seas, on pretence to go and inhabit in Ireland, who, notwithstanding, are kept in England, and, no doubt, to augment their forces and strengthen the confederacy.

And now, gentlemen, you that are the trustees and representatives of your country, we intreat you impartially to reflect what these things mean. Is it not apparent that a design is hatching, and a great storm gathering, which, when it breaks, may overwhelm you and your posterities, if not prevented? Is it possible for you to believe our lives, liberties, and estates safe in such circumstances? Did ever a wise nation suffer foreigners to become formidable in their own country? Look into the records of time, and see if there be one single instance in the whole world, where strangers had gained power and force enough, they did not make use of it to advance themselves and ruin the natives? Was there no visible ground of jealousy, the very nature of the thing would alarm your uttermost caution: And you have, besides that, the experience of all ages to quicken your councils in this case. But when men of separate councils, measures, and interest from yours, when they are armed with power and number too, when there is apparently a bold design actually formed, and run through the whole party, in

such a case the danger is brought home to your own doors, and 'tis high time to awake out of sleep, and to apply your utmost wisdoms to the providing a speedy and effectual remedy.

5. We have but one thing more to trouble you with, though it may not seem grievous in the nature of it, yet in the consequence it may be a more dreadful miscarriage than any of the rest; and if you do not remedy this, you can remedy none of the other; and that is, the postponing the redress of grievances to the giving supplies. This is lodged in your own house, and you have hitherto fatally laboured under it; you yourselves know, by the experience of your former sessions, and all the kingdom knows, that so soon as you have given our money, the court hath done with you, and our grievances remain the same, or grow greater, and you rise *re infectâ;* you have done the business of the court indeed, but not that of the country, and so your great trust is but half executed, and the least half too. The question therefore here is, not concerning the nature of things, or the preference of one before the other, (though yet we believe the redressing our grievances is every way as necessary to our welfare as, if not preferable to, the giving supplies,) but concerning the order of time. We pray you let that be done first which otherwise will not be done at all. We are sure the court will permit you to sit to give money: And we are as sure you will not sit to redress our evils, if you give that first. Money will be welcome first or last; but our grievances must be remedied first, or never. Let your time therefore be suited to the occasions. First examine the state of the nation; consider the miscarriages at sea and land, and apply effectual remedies to the respective miseries we groan under, and then we shall more cheartully part with our money.

And thus we have presumed to lay before you some part of those manifold miscarriages our unhappy nation hath lately felt, and still feels the smart of, and which we humbly conceive highly require your consideration. We hope this humble address will not be unacceptable to you; and we are sure we have herein done our duty to God, to yourselves, and to our country. However, if our humble supplication will not deserve the thanks of the house, we persuade ourselves the subject matter of it will deserve your care, which is the utmost aim of

Your humble petitioners,
The Commons of England.

An Account of some Transactions in the Honourable House of Commons, and before the Right Honourable Lords of the Committee of the King's most Honourable Privy Council, relating to the late East-India Company. 1693.

Sabbati, 6 die Februarii, 1691.

The years 1692 and 1693 were, among other momentous affairs, distinguished by a struggle between the old East-India Company, incorporated in the reign of Queen Elizabeth, and those who wished to establish a new corporation for the same monopoly. Various complaints and objections were urged against the company in possession, to which they made, in the Conven-

tion Parliament, the best reply their case admitted. The answer was not, however, deemed satisfactory, so that, in the subsequent parliament, it was resolved to dissolve the existing company, yet in such a manner as to give those interested in it the option of holding the new bargain, in case they should judge it advantageous to continue the trade and monopoly upon the terms proposed to them by government. The matter was accordingly referred to the privy-council, by a vote of the commons, which purported, "That a humble address be presented to his majesty, to dissolve the present East-India Company, according to the powers reserved in their charter, and to establish another company for the better preserving the trade to this kingdom, in such manner as his majesty shall see fit." The matter being thus left to the management of the ministry, the Earl of Nottingham transmitted to the company the following resolutions, as the conditions settled by the lords of the council. But, far from acquiescing, the company returned an answer, combatting each article adopted by the privy-council, and labouring to shew that the constitution of the present company could not be amended. And thus the matter was delayed during that session of parliament.

In the session 1693-4, the company seemed yet more near to dissolution, for they had actually forfeited their charter, by neglecting to make regular payment of the tax imposed upon their stock. This was no sooner known than their adversaries thronged to parliament with petitions and addresses, praying that the opportunity might not be neglected. But so well did the company know how to plead their cause, both with the ministers and in the House of Commons, that, in despite of all opposition, they obtained a new charter. As this was supposed to have been purchased of the ministers, the disappointed merchants broke forth into loud outcries against the government, and appealed to the people, by publishing the following journal of the transaction. There afterwards appeared, on the books of the company, no less than 170,000*l.* for secret service-money, which was believed to have been expended on the present occasion, in bribing courtiers and members of parliament.

Resolved,

THAT an humble address be made to his majesty, to dissolve the present East-India Company, according to his power reserved in their charter, and to constitute *another* East-India Company, for the better preserving the East-India trade to this kingdom, in such manner as his majesty in his royal wisdom shall think fit.

Resolved, That the said address be presented by the whole house.

Jovis, 11 *die Februarii*, 1691.

Mr Speaker reported to the house, That he did yesterday present to his majesty their humble address, touching the East-India Company, and that his majesty was pleased to express himself to this effect:

> "That it was a matter of very great importance to the trade of this kingdom, and that it could not be expected that he should give a present answer to it; but that he would take time to consider of it, and in a short time give them his positive answer."

Upon which, some time after, the company having first agreed to submit to such regulations as should be made, and declared their submission in writing, the Right Honourable the Lords of the committee of his majesty's most honourable privy council, to whom that matter was referred, agreed on these following propositions, which were sent to the company, (viz.)

Propositions for regulating the East-India Company, from the Right Honourable the Earl of Nottingham, their Majesties principal Secretary of State.

Proposition I. The fund to be made up 1,500,000*l.* at least, and not to exceed two millions.

Prop. II. The stock of the present company to be part of this fund, and to be rated at 744,000*l.* if they can give security that it shall effectually produce that sum, or else at so much less, as they will engage to make good, after all debts paid, and satisfaction made to the Mogul and his subjects, against whose pretensions the new stock to be indemnified by like security.

Prop. III. That the said stock of the present company shall be brought home any time within years, in the ships abroad, or those to be sent on account of the new stock, paying the same freight, and disposed of at publick sales, by the members of the present company, and the nett proceed thereof to be taken as part of the 744,000*l.* as shall also the value of their forts, &c. to be estimated by indifferent persons, and put into the hands of the charter company; but after day, no goods to be exported to the East Indies on account of the old stock.

Prop. IV. That whatever the quick and dead stock shall thus produce more than 744,000*l.* shall be divided wholly between the members of the present company, proportionably to their respective stocks.

Prop. V. Books to be provided for new subscriptions, within and then the books to be closed.

Prop. VI. If the subscriptions exceed two millions, each subscriber to be reduced proportionably, till the whole make but two millions.

Prop. VII. That every subscriber pay in his money upon pain ———.

Prop VIII. No one person to have above 10,000*l.* in this stock, in his own, or others name in trust for him; and every subscriber shall make oath accordingly, and that it is his own money.

Prop. IX. That every member of the present company, who hath above 10,000*l.* stock, shall sell forthwith the overplus, at the rate of 100*l.* for 100*l.* but so, that if the whole nett proceed of the present stock exceed 744,000*l.* this overplus shall go to the person that hath sold his overplus stock, proportionably to the share he had before such sale.

Prop. X. No person to have a vote, that hath, in his own right, and not in trust, less than 500*l.* stock, nor more than one vote, unless he hath 4000*l.* and then two votes, and if 6000*l.* three votes, 8000*l.* four votes, and 10,000*l.* five votes.

Prop. XI. All members of the present company, and new subscribers, to be incorporated by the name of ————.

Prop. XII. All who have, or subscribe 500*l.* stock, to meet and choose a governor, deputy, and twenty-four committees, to manage the trade; none to be governor, or deputy, who hath, or hath subscribed, less than 2000*l.* stock, nor committee 1000*l.* stock.

Prop. XIII. The governor, deputy, and committees, to be chosen every year; and if any die within the year, others to be chosen by a general court.

Prop. XIV. The governor, deputy, and committees, to take the oath of fidelity, &c. and also an oath for the faithful discharge of their trust.

Prop. XV. That every one purchasing any stock shall take his freedom, and before his admittance pay for a fine, and take the oaths appointed.

Prop. XVI. That all free of the former company, or capable to be so, and all subscribing to the present stock, shall be admitted *gratis*.

Prop. XVII. That the company hereby established may make bye-laws for their better government; that no bye-laws shall be binding to the company but such as are approved by a General Court of Adventurers, and are not repugnant to the laws of the land.

Prop. XVIII. That every general court and committee be called by the governor, or deputy; at all which the governor, or deputy, shall be present, and in case of equality of voices, shall have a casting voice.

Prop. XIX. That the company shall enjoy the sole trade to the East Indies, in the several countries lying and being between the Cape de Bona Esperanza, and the Streights of Magellan.

Prop. XX. That it shall not be lawful for any, save the said company only, directly or indirectly, to trade within the limits granted to the said company, on pain of forfeiting———

Prop. XXI. That no licence, or permission, shall be granted to any persons, or ships, to trade to the East Indies on any private account, and that all such permissions shall be void.

Prop. XXII. That there shall be no private contract for the sale of any goods, but they shall be all sold in publick, by inch of candle, for the company's account.

Prop. XXIII. That no lot of any goods to be sold shall exceed the value of 500*l.*

Prop. XXIV. Every year the company shall deliver to their majesties use 500 tons of saltpetre, at per ton, if required, the refraction not exceeding

Prop XXV. That the company shall yearly export to the East Indies not less than the value of 100,000*l.* in goods, of the product and manufactures of England.

Prop. XXVI. That all dividends be made in money.

Prop. XXVII. That no dividend be made without leaving the original fund, or at least 1,500,000*l.* besides what is necessary to pay their debts.

Prop. XXVIII. That the said company's accountant keep a book to enter the value of the stock upon oath, to lie open for the perusal of all persons concerned.

Prop. XXIX. That all transfers of stock shall be registered and entered in a book, to lie open to all persons concerned.

Prop. XXX. That the said joint-stock shall continue for twenty-one years, and no longer.

Prop. XXXI. That a book of new subscriptions be laid open for a succeeding new general joint-stock, before the expiration of the said twenty-one years appointed for this stock.

Prop. XXXII. That the company be obliged, for the better and more secure carrying on of their trade, to have ships of their own.

To which propositions the late company, on the 28th of May, 1692, put in their answer in these words, viz.

The [1] *humble Answer of the Governor, Deputy-Governor, and Court of Committees of the East-India Company, to a Paper of Propositions for Regulation of the East-India Company, received from the Right Honourable the Earl of Nottingham, their Majesties principal Secretary of State.*

Proposition I. The fund to be made up 1,500,000*l.* at least, and not to exceed two millions.

[1] Though (as appears by the style) it is rather, *The insolent Answer*, &c.—*Orig. Note.*

Answer. The company do humbly aver, and are ready to prove, to the king's most excellent majesty's satisfaction, that their present quick and dead stock and revenue is of more real value than the said sum of 1,500,000*l.*

Prop. II. The stock of the present company to be part of this fund, and to be rated at 744,000*l.* if they can give security that it shall effectually produce that sum; or else at so much less, as they will engage to make good after all debts paid, and satisfaction made to the Mogul and his subjects, against whose pretensions the new stock to be indemnified by the like security.

Answ. The company recommending their righteous cause to God, and his majesty's known and famous justice in the whole course of his happy life, say, That the value of every thing is what it will sell for; and their stock, under all the calumnies and persecutions of their adversaries, now currently sells for 150*l.* per hundred; and they know, and can prove it to be intrinsically more worth than that current price: But they know no law or reason why they should be dispossessed of their estates, at any less value than they are really worth in ready money, by all the measures any thing is valued in any part of the world.

They humbly say, as to security, they know no reason why they should give security for their own estates.

They affirm, That they owe not a penny to the Great Mogul, or any of his subjects, other than their running accounts with their own banyans and brokers, which are changing daily, like merchants running cash in a goldsmith's hand.

Although the company owe nothing to the Mogul, as aforesaid, yet the bare mentioning any such thing by a publick act of his majesty, would be enough to persuade him to invent demands upon the company, for transactions and pretences done in ages past, before any of the present adventurers were born; and therefore that part of the proposition seems manifestly impossible as well as unjust, neither the Mogul nor any of his subjects having made any complaint to his majesty of the company's being in debt to him or them; that being only a suggestion of the interlopers and their adherents, not only now, but for many years past.

As to that hypothesis, if they can give security, it will not become the company to say what they might of their own ability, or the ability or disability of their adversaries; they are on both sides well known upon the Exchange.

Prop. III. That the said stock of the present company shall be brought home at any time within years, in the ships abroad, or those to be sent on account of the new stock, paying the same freight, and disposed of at publick sales by the members of the present company, and the nett proceed thereof to be taken as part of the 744,000*l.* as shall also the value of their forts, &c. to be estimated by indifferent persons, and put into the hands of the New Charter Company: But after days, no goods to be exported to the East Indies on account of the old stock.

Answ. The company say they have as real a right to all their forts, cities, towns, and territories in India, to them and their successors for ever, as they have to their purchased lands and warehouses in England belonging to the company's joint-stock, or other private lands or manors belonging to the particular adventurers; *Rex Dei Gratia* being originally the title by which very many manors and lands, court-leets and court-barons are held in England. And as the company are not willing to be dispossessed of their said real estates, until they are paid for them; which they believe in their consciences hath cost them, at several times, above a million in ready money sterling, besides the interest. But for the price that should be paid them for their said real estates, if it were to come to that single point, they would refer themselves to, and rely upon his majesty's justice, as aforesaid.

Prop. IV. That whatever the quick and dead stock shall thus produce more than

744,000*l.* shall be divided wholly between the members of the present company, proportionably to their respective stocks.

Prop. V. Books to be provided for new subscriptions within, and then the books to be closed.

Prop. VI. If the subscriptions exceed two millions, each subscriber to be reduced proportionably, till the whole make but two millions.

Prop. VII. That every subscriber pay in his money, upon pain———

To the IV, V, VI, and VIIth propositions, the company humbly answer, That they do as little understand the new subscribers, as they suppose most of those subscribers know the affairs of India: But the company know the late new way of subscribing, without authority from his majesty, is an old practice of interlopers and others, emulous of the company's prosperity; and hath formerly been debated upon the like voluntary subscriptions several times, and many years since, in the reign of King Charles II. when some of the lords of his now majesty's most honourable privy council were present: But it always ended in only giving unnecessary trouble to his majesty and the company.

Prop. VIII. No one person to have above 10,000*l.* in this stock, in his own or others name, in trust for him; and every subscriber shall make oath accordingly, and that it is his own money.

Answ. This proposition, in duty to his majesty, and in love to our native country, the company must freely declare against, as being notoriously prejudicial to the nation, whoever the adventurers are; First, Because trade is a free agent, and must not be limited or bounded; if it be so in any nation, it will never prosper. Secondly, It is against the laws and customs of England, and all nations upon the face of the earth, that any man that buys a commodity, and pays honestly for it in ready money, should be compelled to swear it his own money, or whose it is; this being only a trick of the first proposers, to serve their particular turn, *without any national, or other regard to right* or public good. Thirdly, If such a limitation were advisable, certainly some nation or other would have hit upon the expedient before this time; whereas, on the contrary, the wise Dutch indulge and favour the very Jews, and the more for buying the greater stock; of whom, one man, by name Swasso, had at one time about 75,000*l.* stock: The French king likewise, for the encouragement of large subscriptions in that stock, propounded many considerable privileges and immunities, both to natives and foreigners, proportionable to the greatness of their said subscriptions: The Danes likewise (it is said) made a law not long since, that such as would not add a certain proportion to their stock already wrote, should forfeit their stock; which was a constraint on the other hand, and as erroneous as that in the aforesaid proposition. Fourthly, Such kind of levelling or limiting personal estates, was never known in commonwealths, much less in monarchies. Our levellers in England, and antiently the tribunes of Rome, never pretended to the limitation of personal estates, but of possessions in land; and not of all lands, (not in their provinces) but only the lands of Italy, which was the seat or country of the commonwealth. Fifthly, No considerable man of fortune or experience will ever endure the fatigue of continual study in the East-India Company's arduous affairs, but he will find his account some way; and that must be either by a great reward, or by a great stock; or by other and worse ways of paying himself. The most the English companies give a committee-man is about 50*l. per ann.* whereas we have heard the Dutch allow Mr Peter Van Dam about 800*l.* and about 400*l.* a year to his son: But such an able, active man's having a great stock of his own, is better for the public society than any reward that can be allowed him; because such a man, that is obliged by reward only so to attend the company's business, is tied only by one cord; but he that expects all satisfaction to arise from the profit of his own stock, is tied with

the two great cords, which do almost the whole business of the world, *viz.* Reward, by the profit of his own great stock, and fear of great loss, if his own stock should miscarry by ill conduct.

Prop. IX. That every member of the present company, who hath above 10,000*l.* stock, shall sell forthwith the overplus at the rate of 100*l.* for 100*l.* but so that if the whole nett proceed of the present stock exceeds 744,000*l.* this overplus shall go to the person that hath sold his overplus stock, proportionably to the stock he had before such sale.

Answ. The company can see no shadow of reason or equity in this proposition; but a direct contradiction to common right, and the admirable laws of this kingdom for preservation of property.

Prop. X. No person to have a vote, that hath in his own right, and not in trust, less than 500*l.* stock; nor more than one vote, unless he hath 4000*l.* three votes, 8000*l.* four votes, and 10,000*l.* five votes.

Answ. The company are humbly of opinion, this is more justly and equally provided for already in their present charter; this proposal of giving advantage to the small stock being but a hysteron proteron, never known before in any part of the world in merchants affairs; wherein as far as the sun shines all men vote according to their proper shares in shipping, or as they are interested more or less, and not otherwise.

Prop. XI. All members of the present company, and new subscribers, to be incorporated by the name of

Prop. XII. All who have, or subscribe 500*l.* stock, to meet and chuse a governor, deputy, and 24 committees, to manage the trade; none to be governor or deputy who hath subscribed less than 2000*l.* stock, nor committee 1000*l.* stock.

Prop. XIII. The governor, deputy, and committees, to be chosen every year; and if any die within the year, others to be chosen by a general court.

Prop. XIV. The governor, deputy, and committees, to take the oaths of fidelity; and also an oath for the faithful discharge of their trust.

Prop. XV. That every one purchasing any stock, shall take his freedom, and before his admittance pay for a fine, and take the oaths appointed.

Answ. In the XI, XII, XIII, XIV, and XVth propositions, the company can see nothing new, but all is already provided for in the same manner, or better, by their present charters.

Prop. XVI. That all free of the former company, or capable to be so, and all subscribing to the present stock, shall be admitted gratis.

Answ. In this there is but a trivial difference from the company's present charter, which enjoins all new adventurers, except the sons and servants of freemen, to pay 5*l.* each, for their first admittance. The old adventurers have paid their respective 5*l.* and we can see no reason, if new men be admitted, why they should not pay the same.

Prop. XVII. That the company hereby established, may make by-laws for their better government. That no by-laws shall be binding to the company, but such as are approved by a general court of adventurers, and are not repugnant to the laws of the land.

Prop. XVIII. That every general court and committee be called by the governor or deputy, at all which the governor or deputy shall be present, and in case of equality of voices, shall have a casting voice.

Prop. XIX. That the company shall enjoy the sole trade to the East-Indies in the several countries lying between the Cape de Bona Esperanza, and the Streights of Magellan.

Prop. XX. That it shall not be lawful for any, save the said company only, directly or indirectly to trade within the limits granted to the said company, on pain of forfeiting——

Answ. As to the 17, 18, 19, and 20th propositions, the company can observe nothing in them that is not already in the same manner in their charters.

Prop. XXI. That no licence or permission shall be granted to any persons or ships, to trade to the East-Indies on any private account, and that all such permissions shall be void.

Answ. This is an unreasonable proposition, and against the sense of all charters, and ought for the public good to be left to the company's discretion. For some time, (as in the late war with the Mogul) permissive ships have been of great use and public benefit; at this time, now peace is restored, they are of no use, except in some particular instances, which might be given, and in settling of new plantations, which the company best know when and how to effect; and no East-India Company in any part of Europe have any such shackles imposed upon them, which would but hinder their progress for the public good and honour of their country in many cases.

Prop. XXII. That there shall be no private contract for the sale of any goods, but they shall be all sold in public, by inch of candle, for the company's account.

Prop. XXIII. That no lot of any goods to be sold shall exceed the value of 500*l.*

Answ. These two are novelties, and such as were never imposed upon any East-India Company in Europe, and are against natural right, and if established, would tend to the national prejudice of England, as the company doubt not to make evident to his majesty by irrefragable instances and examples; trade must be free, for the public good, otherwise it will die, or fly away.

Prop. XXIV. Every year the company shall deliver to their majesties use 500 tuns of salt-petre at per tun if required, the refraction not exceeding

Answ. The company will always serve their majesties with salt-petre as cheap as they can afford it, and doubt not but to please their majesties therein, as they have done all their royal predecessors; but to be limited to a certain price, or quantity, or refraction is a novelty that was never imposed upon this, or any East-India Company, and it had been an unhappy accident for England, if such an imposition or constraint had been laid upon the company 10 or 20 years past; for if that had been done there could not have been one fourth part of the petre in England as the company had in store, (which was about 3000 tuns) when this war with France begun. There is a famous story confirming the truth of this, in the reign of King James I. There was at that time a great dearth of corn, which occasioned his majesty to send for the East-Land Company, and his majesty told them, that in regard of the present dearth of corn, and for relief of the poor, they must load all their ships homeward-bound with corn, which they promised faithfully to do, and were so dismissed; but one of the lords of the council told his majesty such a promise signified nothing; because they had not promised at what rate they would sell their wheat when it came, on which they were called in again, and told the king was not satisfied with that answer; to which the deputy, who was a famous hunter, replied, "Sir, we will freight our ships, and buy our corn as cheap as we can, and sell it here as cheap as we can afford it; but to be confined to any certain price we cannot." That lord pressed the deputy for a more certain answer, on which the deputy said further to the king, "Sir, your majesty is a lover of the noble sport of hunting, and so am I; and I keep a few dogs, but if my dogs do not love the sport as well as I, I might as well hunt with hogs as with dogs." The king replied, "Say no more, man, thou art in the right; go, and do as well as you can, but be sure bring corn."

Prop. XXV. That the company shall yearly export to the East-Indies not less than the value of 100,000*l.* in goods, of the product and manufactures of England.

Answ. The company may do this in some years, and sometimes more, and sometimes not so much, when their cloth lies unsold, and is eaten up with moths and white ants in India: This ought for the public good to be left to the company's discretion.

Prop. XXVI. That all dividends be made in money.

Answ. This is commonly done here and beyond sea in other companies; but some instances may be given wherein it would be highly prejudicial to make this confinement of the company's liberty. So it ought to be left to discretion, as it is now here, and in all other nations.

Prop. XXVII. That no dividend be made without leaving the original fund, or at least 1,500,000*l.*, besides what is necessary to pay their debts.

Answ. This is a discretionary rule the company do now observe; but was never enjoined them by any charter, neither is there any company in the world so circumscribed, nor ought to be, for the publick good. It is against natural right that any men should be barred from doing what they think fit with their own estates.

Prop XXVIII. That the said company's accomptant keep a book to enter the value of the stock upon oath, to lie open for the perusal of all persons concerned.

Prop. XXIX. That all transfers of stock shall be registered and entered in a book, to lie open to all persons concerned.

Answ. The XXVIIIth and XXIXth propositions are provided for in the same manner already by the company.

Prop. XXX. That the said joint-stock shall continue for twenty-one years and no longer.

Prop. XXXI. That a book of new subscriptions be laid open for a succeeding new general joint-stock, before the expiration of the said twenty-one years, appointed for this stock.

Answ. This is so strange, that if it should be admitted, would make the company ridiculous all the world over; and is as much as to say a man shall be obliged to plant a great orchard and remove his trees, or depart from his possession at the end of twenty-one years, or to build a famous mansion-house, a town, or city upon such terms. The Dutch company have spent within thirty or forty years past above 700,000*l.* upon Ceylon, and have not yet seen their principal by about 400,000*l.* to this day; this company have been building and fortifying at Bencolen about ten or eleven years, and they must proceed in building and fortifying there for twenty or thirty years to come; and in that chargeable and dangerous work they have spent near 250 to 300,000*l.* sterling. And though indeed by that necessary work they have preserved the pepper-trade to this nation, yet they have not received any thing towards the charge of these disbursements; and that place will cost the company 200,000*l.* more before it can be made a complete, secure, and (morally speaking,) an impregnable asylum to the English nation. It is a most impolitick notion that any company can thrive by frequent change of conduct and council, any more than a nation by often changing the fundamental laws. The Dutch company stands as it did from the beginning, and the English hath never been changed that the company knows of but once in Oliver Cromwell's time, and then it was done with their own consent. The company, by the true rules of policy, ought never to alter, nor any man be forced to sell his stock, any more than he can be forced to buy a stock that hath none; or any gentleman that hath an over-grown estate in land in any country, can be forced to sell part, to make way for some purchasers that pretend they will buy land in that country.

Prop. XXXII. That the company be obliged, for the better and more secure carrying on of this trade, to have ships of their own.

Answ. This is such a constraining proposition as was never made to any company; all companies having ships of their own, or hired ships, and best known when to use the one or the other; and there are few merchants considerable in Europe that have not both; and it was never thought or found political to put trade into such straight-laced bodies, which, instead of making it grow upright and prosper, will either kill it or force it to grow awry.

This was the language with which the late company treated those honourable lords, calling some of their propositions impossible as well as unjust; others notoriously prejudicial to the nation; one, without any shadow of reason or equity; another, a trick; another, a most impolitick notion, &c.

Having answered the aforesaid Propositions, the Company humbly desire that the following Propositions may be considered.

First, If any alteration should be made of the present constitution by his majesty, the same men, viz. interlopers and their adherents, and such as have sold their stock at high rates, and then cry down the company to fright the adventurers, and come in again at low rates, whether such sort of men, after his majesty hath granted a new charter, will not, to serve another turn, exclaim against it, in defamation of his majesty's just prerogative.

Secondly, Whether any thing such men have said, that carries any appearance of truth, be not the same again which was said above twenty years past, and many times since in the two last reigns, and as often answered and confuted.

Thirdly, Whether the spirit of clamour and opposition against the company, which centres in some few known persons, whether those persons be men of better fortune or more regular lives, or greater prudence, or otherwise preferable to the present adventurers in the East India Company stock.

Fourthly, Whether, considering the two wars, this company have grappled with in India, and a worse kind of civil broil the interlopers forced them to, more pernicious to the company than both the wars in India; whether the company, notwithstanding their said pressures, hath not managed their affairs to as much national advantage and profit to their fellow-adventurers, as any East India Company in Europe.

Fifthly, That without restraint, cramping, or taking care for rotations or changes in the East India Company, the whole stock, without such forced political restrictment or limitation, is in a kindly, natural, and continual changing motion; insomuch that the value of the stock, once in two years, or thereabout, changes owners; and there is not now in the present committee three men that were of the committee above twenty years past.

Sixthly, That the present governor, Sir Thomas Cook, about nine years past had no stock at all; nor Sir Joseph Herne, the late governor, about twenty years past; nor Sir William Langhorne, now one of the greatest adventurers, four years since; and several other considerable adventurers, not above two years past; they came in by several purchases, and many at much dearer rates than the present price current of the stock; and there is now of the present committee five worthy persons, very late purchasers, which were never of the committee before this year.

Seventhly, If it be thought by any, that envy the company's good fortune, that some few of the company are too rich and powerful in the committee, the company answer, that to cure that, if it be a fault, there needs no new laws nor articles in any charter, for a very few years will cure that without such preternatural force; for that the sons of such men were never known to succeed their fathers in the painful fatigue of the company's affairs, but did always settle themselves upon an easier course of life by a revenue in land.

Eighthly, If there be some of the present adventurers that had courage enough to keep their stock, and never sold any part thereof during all those violent and unrea-

sonable attempts that have been made against the company, whether such persons do not rather deserve the thanks which the Roman senate gave Terentius Varro, *Quod non desperâsset de republicâ*, than any blame.

Ninthly, The company, nor peradventure, any great business in the world, did ever thrive where some one or two men, or very few, did not arrive at so much reputation (as Machiavel calls it) as to be able to moderate the councils of the commonwealth or society. So it is now in the Netherlands East India Company, and so it was ever in the English East India Company, except for the first seven years after the last change; in which seven years the stock and the company's affairs dwindled almost to nothing, until Sir William Thompson, deceased, (a gentleman of famous prudence and integrity,) arrived at that reputation, that in effect he governed the whole affairs of the company until the day of his death; and under his said conduct the company's affairs did revive and prosper, and have since his death more increased by happy methods derived from his wisdom originally: His worthy son and posterity are now settled upon estates in land, and have no concern in the company.

Signed, by order of the court of committees,

East India House, *May* 20, 1692. ROB. BLACKBORNE.

Whereupon the next session, viz. *Lunæ* 14 *Die Novembris*, 1692,

Sir Edward Seymour acquaints the house that he had a message from his majesty in answer to the address of this house the last session, in relation to the East India Company; the which he delivered in writing at the table, where the same was read,—in these words, viz.:—

"The House of Commons having presented an address to the king to dissolve the present East India Company, according to the power reserved in their charter, and to constitute a new one, his majesty took into consideration the proper methods of complying with their desires, and of securing effectually this advantageous trade to the nation.

"But his majesty, upon examination of the charter, and consulting his judges and learned council, found that he could not legally dissolve the company, but upon three years warning; and that during the three years after warning, the company must subsist, and might continue to trade; and that though the king might constitute a new company, yet he could not empower such new company to trade till after three years, the crown having expressly covenanted not to grant any such liberties.

"Hereupon his majesty was very apprehensive of the ill consequences of giving warning to the company, because they would be then less solicitous of promoting the true interest and advantage of the trade, whereof they could not long reap the fruits, and that no new company could be immediately admitted to it: So that this very beneficial trade, which is already so much impaired, might be in danger of being entirely lost to the nation.

"His majesty, very desirous to prevent so great a mischief, and to gratify the House of Commons in the end, since he could not do it without great hazard, in the manner they proposed, required the East India Company to answer directly, whether they would submit to such regulations as his majesty should judge proper, and most likely to advance the trade: And the company having fully agreed to it, and declared their resolution in writing, his majesty commanded a committee of his privy council to prepare regulations, which they did, and offered them to the company; but the company,

notwithstanding their declaration of submission, rejected almost all the material particulars.

" So that his majesty finding, that what possibly the House of Commons might have expected, and indeed was necessary to preserve this trade, could not be perfected by his own authority alone, and that the company could not be induced to consent to any such regulations as might have answered the intentions of the House of Commons, and that the concurrence of the parliament is requisite to make a complete and useful settlement of this trade, has directed all the proceedings in this matter to be laid before them; and recommends to them the preparing of such a bill, in order to pass into an act of parliament, as may establish this trade on such foundations as are most likely to preserve and advance it."

Upon this message, the honourable House of Commons took into consideration the settlement of the said trade; but finding the same obstructed by the then company's great opposition, toward the end of the session, viz.

Sabbati, 25 Die Februarii, 1692.

Resolved,
That an humble address be presented to his majesty, that he will dissolve the East-India Company, upon three years warning to the said company, according to the power reserved in their charter.

Resolved,
That the said address be presented by the whole house.

Veneris, 30 Die Martis, 1692.

Mr Speaker reported to the house, That he did yesterday present to his majesty their address touching the East-India Company, and that his majesty was pleased to express himself to this effect, viz.

" Gentlemen,
" I will always do all the good in my power for this kingdom; and I will consider your address."

Notwithstanding the aforesaid propositions, some time after several other regulations were agreed on, to establish the said company by adding new subscriptions to their stock, without any security to be given to make that stock worth any thing at all.—— But those regulations did not pass into a charter, the late company having made default in paying in the first quarterly payment of the tax charged on their joint-stock, according to the tenor of the act of parliament, whereby their former charters became absolutely void in law.

However, the late company, by their industrious application, have since procured a new charter, (for restoring and confirming all their former grants,) which passed under the great seal the seventh day of October, 1693.

[Which new charter follows in these words, viz.]

"William and Mary, by the grace of God, King and Queen of England, Scotland, France, and Ireland, defenders of the faith, &c. To all to whom these presents shall come, greeting: Whereas the governor and company of merchants of London, trading into the East-Indies, have been of long time, to the honour and profit of this nation, a corporation, and have enjoyed divers liberties, privileges, and immunities, by force of several charters and letters patents, heretofore granted to them by several of our late royal predecessors, more particularly by letters-patents of our late royal uncle King Charles II. under the great seal of England, bearing date the 3d day of April, in the thirteenth year of his reign; and by one other charter, or letters-patents, of the said King Charles II. under the great seal of England, bearing date, at Westminster, the 27th day of March, in the twentieth year of his reign; and by one other charter, or letters-patents, of the said King Charles II. bearing date, at Westminster, the 16th day of December, in the twenty-fifth year of his reign; and by one other charter, or letters-patents, of the said late King Charles II. bearing date the 9th day of August, in the thirty-fifth year of his reign; and also by a charter, or letters-patents, of the late King James II. bearing date, at Westminster, the 12th day of April, in the second year of his reign. And whereas some doubt, or question, hath of late been made, touching the validity of the charters of the said company; and whether the same be not, in strictness of law, void, by the not actual payment, into the receipt of our exchequer, of the first quarterly payment of the tax of 5*l* per cent. charged on the general joint-stock of the said company, according to an act made in the last session of this present parliament, entitled, "An Act for continuing certain Acts therein mentioned, and for charging several Joint-stocks." Now know ye, that we, taking the premises into our royal consideration, and well weighing what disorders and inconveniences would befall the said company, and other persons concerned and employed in their trade and adventures, especially in the remote parts of the world, if we should take advantage of the forfeiture aforesaid, (if any be,) and we, being willing that the said governor and company, or late governor and company of merchants of London, trading into the East-Indies, and their successors, should have and enjoy all such and the like lawful powers, privileges, advantages, and immunities; and in as ample manner, to all intents and purposes, as if the said first quarterly payment of the said tax had been duly and regularly made according to the said act: Of our especial grace, certain knowledge, and mere motion, have made, ordained, constituted, declared, and appointed, and by these presents, for us, our heirs and successors, do make, ordain, constitute, declare, and appoint, That Sir Thomas Cooke, Knight, and one of the aldermen of our city of London, Francis Tyssen, Esq. George Earl of Berkley, Sir John Fleet, Knight, Lord-Mayor of our city of London, Sir Josiah Child, Baronet, Sir William Langhorne, Baronet, Sir Benjamin Bathurst, Knight, Sir John Moore, Knight, and one of the aldermen of our city of London, Sir Samuel Dashwood, Knight, and one of the aldermen of our city of London, Sir Edward Des Bouvery, Knight, Sir Thomas Rawlinson, Knight, Sir William Gore, Knight, and one of the aldermen of our city of London, Sir Joseph Herne, Knight, Sir Rowland Ainsworth, Knight, John Perry, Esq. George Boune, Esq. Richard Hutchinson, jun. Esq. Frederick Herne, Esq. Ralph Marshall, Esq. Richard Acton, John Cooke of Hackney, Francis Gosfright, John Dubois, Isaac Houblon, Samuel Ongley, and Nathaniel Mounteney, gentlemen, and all and every other person and persons who were members of the said company, or late company of merchants of London, trading into the East-Indies, on the 24th day of March, now last past, who have not since parted with their stocks in the said company: And all and every other person and persons, who, since the 24th day of March last past, by buying stock,

Recital of several of their former charters.

Their majesties grant, that the members of the late company,

(together with all persons come into the company since the 24th of March, 1693,) be incorpo-

rated by the name of the Governor and Company, &c.

or otherwise, have come into, and remain in a capacity of being members of the said company, be, and shall be, one body corporate and politick, in deed and in name, by the name of the Governor and Company of Merchants of London, trading into the East-Indies; and them by the name of the Governor and Company of Merchants of London, trading into the East-Indies, one body corporate and politick, in deed and in name, really and fully for ever, for us, our heirs, and successors; we do make, declare, establish, and confirm, by these presents, under and subject to the provisoes and conditions, and upon the terms hereafter in these presents mentioned; and that, by the same name of the Governor and Company of Merchants of London, trading into the East-Indies, they shall have perpetual succession; and that they and their successors, by the name of the Governor and Company of Merchants of London, trading into the East-Indies, be, and at all times shall be, persons able, and a body corporate and politick, capable in law to have, purchase, receive, possess, enjoy, and retain lands, rents, privileges, liberties, jurisdictions, franchises, and hereditaments, of what kind, nature, or quality soever they be, to them and their successors; and also to give, grant, demise, alien, assign, and dispose lands, tenements, and hereditaments, and to do and execute all and singular other things, by the same name, that to them shall or may appertain to do: And that they and their successors, by the name of the Governor and Company of Merchants of London, trading into the East-Indies, may plead and be impleaded, answer and be answered, defend and be defended, in whatsoever courts and places, and before whatsoever judges and justices, and other persons and officers, in all and singular actions, pleas, suits, quarrels, causes, and demands whatsoever, of whatsoever kind, nature, or sort, in such manner and form as any other our liege people of this our realm of England, being persons able and capable in law, may, or can have, purchase, receive, possess, enjoy, retain, give, grant, demise, alien, assign, dispose, plead, defend and be defended, release and be released, do, permit, and execute. And that the said Governor and Company of Merchants of London, trading into the East-Indies, and their successors, may have a common seal, to serve for all the causes businesses of them and their successors: And that it shall and may be lawful for the said governor and company, and their successors, the same seal, from time to time, at their will and pleasure, to break, change, and to make new or alter, as to them shall seem expedient. And further, we will, and by these presents, for us, our heirs and successors, we do ordain, that there shall be one of the same company who shall be, and shall be called, the Governor of the said company, and also one other of the said company who shall be, and shall be called, the Deputy-Governor of the said company; and that there shall likewise be twenty-four of the said company, who shall be, and shall be called, the Committees of the said company, who, together with the governor of the said company for the time being, shall have the direction of the voyages of or for the said company, and the provision of the shipping and merchandizes thereunto belonging, and also the sale of all merchandizes, goods, and other things, returned in all, or any of the voyages or ships, of or for the said company, and the managing and handling of all other business, affairs, and things belonging to the said company: And, for the better execution of our said will and grant in this behalf, we have assigned, nominated, constituted, made, and confirmed, and by these presents, for us, our heirs and successors, do assign, nominate, constitute, make, and confirm the said Sir Thomas Cooke to be the present governor of the said company, and to continue in the said office from the date of these presents, until the 10th day of April now next following, if the said Sir Thomas Cooke shall so long live, or until a new governor be chosen by the said company, as heretofore hath been used and accustomed. And we have also nominated, constituted, made, and confirmed, and by these presents, for us, our heirs and successors, do assign, nominate, constitute, make, and confirm the said Francis Tyssen to be the present deputy-governor of the said company, and to con-

And that they shall be capable to purchase lands, &c.

To answer and be answered, defend and be defended, &c.

To have a common seal.

To have one governor, one deputy-governor, and twenty-four committees.

And that Sir Thomas Cooke be the first governor.

Francis Tyssen the first deputy-governor.

tinue in the said office from the date of these presents, until the said 10th day of April now next following, if the said Francis Tyssen shall so long live, or until a new deputy-governor be chosen by the said company, as heretofore hath been used and accustomed: And we have also nominated, constituted, made, and confirmed, and by these presents, for us, our heirs and successors, do nominate, constitute, make, and confirm the said George Earl of Berkley, Sir John Fleet, Sir Josiah Child, Sir William Langhorne, Sir Benjamin Bathurst, Sir John Moore, Sir Samuel Dashwood, Sir Edward Des Bouvery, Sir Thomas Rawlinson, Sir William Gore, Sir Joseph Herne, Sir Rowland Ainsworth, John Perry, George Boune, Richard Hutchinson junior, Frederick Herne, Ralph Marshall, Richard Acton, John Cooke of Hackney, Francis Gosfright, John Dubois, Isaac Houblon, Samuel Ongley, and Nathaniel Mounteney, to be the twenty-four present committees of the said company from the date of these presents, until the said 10th day of April next following; or until a new committee shall be chosen by the said company, as in that case hath been also formerly used and accustomed. Provided always, and we do hereby require and command, that the governor herein before named shall, before he be admitted to the execution of the said office, take the oaths appointed to be taken by a late act of parliament, made in the first year of our reign, entitled, "An Act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths:" And also a corporal oath, That he shall and will, from time to time, well and truly execute the office of governor of the said company, before the said deputy-governor, and any five or more of the committees herein before named: To whom we do hereby give full power and authority, to give and administer the said oaths to the said governor accordingly.——And also, that the deputy-governor, and twenty-four committees herein before named and constituted, shall respectively take the said oaths appointed by the said late act of parliament; and also a corporal oath, That they will faithfully and truly execute their said several and respective offices of deputy-governor and committees of the said company, before the said Sir Thomas Cooke, herein before named and constituted to be the present governor of the said company: To whom we do hereby give full power and authority to give and administer the said oaths to the said deputy-governor and committees accordingly. And of our further especial grace, certain knowledge, and mere motion, we have ratified and confirmed, and do, by these presents, ratify and confirm, all acts done by and unto the said governor and company, or late governor and company, since the said 24th day of March last, by virtue or colour of their said former charters, or any of them, to be as valid and effectual as if the said first quarterly payment of the said tax had been duly made, according to the said act, and the said former charters had not been forfeited or made void: And we have also given, granted, restored, and confirmed, and by these presents, for us, our heirs and successors, do give, grant, restore, and confirm, unto the Governor and Company of Merchants of London trading into the East-Indies, hereby constituted and confirmed, and their successors, all and every the ports, islands, plantations, territories, castles, forts, fortifications, ordnance, armour, artillery, munition, arms, guns, powder, shot, victuals, magazines, stores, ammunition, and provisions of war, ships, junks, vessels, boats, joint-stock, manors, lordships, messuages, houses, lands, tenements, hereditaments, goods, wares, merchandizes, cattle, chattels real and personal, debts, dues, duties, right of actions, and demand in law or equity, powers, privileges, liberties, franchises, jurisdictions, customs, rights, royalties, immunities, and advantages whatsoever; and all other things "which were lawfully held, received, used, exercised, or enjoyed, or might or ought to have been lawfully held, received, used, exercised, or enjoyed" by the said Governor and Company, or late Governor and Company of Merchants of London trading into the East Indies, on or before the said 24th day of March now last, or at any time since, by force or virtue of any grants, charters, or letters-patents whatsoever, heretofore granted unto them, or

George Earl of Berkley, Sir John Fleet, &c. the first committees.

Provided they severally take the oaths appointed, instead of the oaths of allegiance and supremacy, and also the oaths of their respective offices.

That all acts done by and to the late company, since the 24th of March, 1693, be ratified and confirmed.

That all their plantations, joint stock, goods and chattels, powers, privileges, and all other things, be restored and confirmed to the said company; which were, or might be, lawfully used or enjoyed.

mentioned to be granted or confirmed to them, by any of our late royal predecessors, kings or queens of England, by any style or title of incorporation whatsoever, or otherwise howsoever; and under and subject to the several and respective provisoes, limitations, clauses, and restrictions herein, and in the said former grants, charters, and letters patents, or any of them contained, to have, hold, use, exercise, and enjoy the said ports, islands, plantations, territories, castles, powers, privileges, and all and singular other the premises herein before mentioned, and intended to be hereby granted and restored, and every of them, unto the said Governor and Company of Merchants of London trading into the East Indies, and their successors, in such and the same manner, and to and for such and the same intents and purposes in all things, as the said Governor and Company, or late Governor and Company of Merchants of London trading into the East Indies, "might or ought lawfully to have held, used, exercised, or enjoyed the same," on or at any time before the said 24th day of March now last past, as if the same powers, privileges, and immunities, and other the premises, were hereby particularly granted, and the letters-patents concerning the same at large recited: Under and subject, nevertheless, to the provisoes, restrictions, and limitations contained in these presents, and in the former charters, to the said company. Provided always, and upon condition nevertheless, and our express will and meaning is, that if the said Governor and Company of Merchants of London trading into the East-Indies, and their successors, "do not accept of," and from time to time, and at all times hereafter, act according to, and put in due and effectual execution, and "submit and conform in all things unto such orders, directions, additions, alterations, restrictions and qualifications, relating to the constitution, continuance, determination," rights, powers, or privileges of the said company, or the government thereof, or of the said governor and company; or the encouragement, management, regulation, or advancement of trade; or of the present or future *joint-stock of the said company*; or concerning any future subscriptions, to be made by way of increase or addition to the joint-stock; or for ascertaining the true values of the said joint-stock, at and during the times of any such future subscriptions; which, and as we, our heirs or successors, by the advice of our or their privy-council, shall from time to time, at any time before the 29th day of September, which shall be in the year 1694, think fit to make, insert, limit, direct, appoint, or express in or by any further or other charter, letters-patents, or other writing or instrument under our or their great seal of England, then, and in each and every of the cases aforesaid, it shall and may be lawful, to and for us, our heirs and successors, by letters-patents, under our or their great seal of England, to determine, revoke, and make void these presents, and the grant hereby made: And from and immediately after the passing of such letters-patents of revocation, or determination under the great seal of England, these presents, and all the powers, privileges, grants, and other things herein contained, shall cease, determine, and be absolutely void, to all intents and purposes, any thing to the contrary notwithstanding. And further, We have given, granted, and restored, and by these presents, for us, our heirs and successors, do give, grant, and restore unto the said governor and company, or late governor and company, and their successors, all and every such debts, sums of money, duties, and demands whatsoever, in law or equity, which, to the said governor and company, or late governor and company, were grown due or payable at any time before, or on the 24th day of March now last past, or which are since grown due or payable, or shall hereafter grow due or payable, by any person or persons whatsoever, as well our natural-born subjects as aliens and strangers. Giving, and by these presents granting unto the said governor and company, and their successors, full power and authority to ask, sue for, and recover the same, by all lawful ways and means whatsoever, either in the name of us, our heirs or successors, or in the name of the said company, or otherwise, as law or equity shall require or admit of; and to retain the same

To have and to hold the said powers, &c. in such manner as they might or ought lawfully to have held and enjoyed the same, as if the said powers were at large recited.

Provided, that if the said company do not submit and conform to such alterations, restrictions, and qualifications as the king shall make before the 29th of September next, it shall be lawful for his majesty to revoke this charter.

That the said company's debts be restored to them.

With a power to sue for and recover the same.

to their own use and benefit, upon, under, and subject to the trusts, intents, and purposes herein after mentioned, as fully and amply, to all intents and purposes, as if the said first quarterly payment of the said tax had been duly and regularly made into our Exchequer, according to the said late act of parliament in that behalf. Provided always, and it is intended and agreed, and our express will and pleasure is, that the said governor and company hereby constituted, and their successors, and all the manors, lands, tenements, goods, wares, merchandizes, chattels real, chattels personal, and other the premises hereby granted and confirmed, or mentioned to be granted and confirmed, and every of them, and every part and parcel thereof, shall be, and are hereby made subject and liable to, and charged and chargeable with, all and every such debts and sums of money, duties, and demands whatsoever, in law or equity, which the said governor and company, or late governor and company, do now owe, or are indebted, or subject or liable to, or which at any time before, or on the said 24th day of March now last past, or since, did owe, or were indebted, or subject, or liable to any person or persons whatsoever, as well our natural-born subjects, or persons endenized or naturalized, as aliens and strangers; and that the same shall and may be sued for, and recovered in such and the like manner, to all intents and purposes, as if the said first quarterly payment of the said tax had been duly and regularly made into our Exchequer, according to the said late act of parliament in that behalf, and as if the said former charters had not been forfeited or made void. And our further will and pleasure is, and we do by these presents, for us, our heirs and successors, grant unto the said Governor and Company, or late Governor and Company of Merchants of London trading into the East-Indies, and their successors, that these our letters-patents, and all and singular the powers, clauses, and grants therein contained, shall be, and continue sufficient and available in law, and shall be construed and taken, as well to the meaning and intent, as to the general words of the same, most beneficially, and for the best advantage of the said governor and company, or late governor and company, and their successors, under and subject to the provisoes, restrictions, and limitations herein, and in the said former letters-patents contained; notwithstanding the not mentioning, or not true reciting of any former grants, charters, or letters-patents, heretofore granted to the said late governor and company, or any of their predecessors, by any of the late kings or queens of England, or any other person or persons whatsoever, or the not mentioning or reciting of any castles, forts, plantations, lands, powers, liberties, privileges, advantages, or other matters or things, in the said grants or letters-patents, or any of them, granted, or mentioned to be granted and confirmed. Provided always, and these presents are, and shall be upon this condition, that if the said governor and company, hereby constituted, shall not pay into the receipt of our Exchequer at Westminster, for our use, upon the 25th day of December next ensuing the date hereof, the full sum of nine thousand three hundred pounds, of good and lawful money of England, in lieu and satisfaction for the last of the four quarterly payments appointed to be paid unto us by the late East-India Company, by virtue of the act of parliament herein before mentioned, for charging of joint stocks: Then, and from thenceforth, these presents, and all things herein contained, shall cease, determine, and be utterly void, to all intents and purposes, any thing herein contained to the contrary notwithstanding. In witness whereof, we have caused these our letters to be made patents.

Provided, that all the manors, lands, goods, and estate, of the said company, shall be, and are made subject and chargeable with all their debts to any persons, as well subjects as strangers.

Provided, if the said company do not, on the 25th of December next, pay L. 9,300 into the Exchequer, for the last quarterly payment of their tax, this charter shall be void.

Witness ourselves at Westminster, the seventh day of October, in the fifth year of our reign.

By writ of privy seal.

PIGOTT.

A Discourse concerning the East-India Trade; wherein is shewed, by Arguments taken from a Treatise written by Sir Josiah Child, that the said Trade may be carried on by a regulated Company, to much greater Advantage of the Publick, than by a Company with a Joint-Stock.

Sir Josiah Child, distinguished by his writings upon the subject of trade, was one of the leading directors of the East-India Company. The present author endeavours to extract from his work a proof that the general principles which Child himself had applied to foreign trade, ought to be extended to the East-Indian commerce, to the destruction of the existing monopoly.

THE many and great advantages which all kingdoms and countries receive by trade are so obvious, that it is what no man denies, and there needs no arguments to prove a thing so generally admitted; and therefore it is that the wisest and justest governments have made it one of their chiefest cares to discover and establish those ways and methods that do best preserve and improve it: and this being the measure observed for trade in general, it is so likewise in particular trades, especially such as bear a great proportion in the value and influence of the trade of any nation or country, and which, by an ill foundation and a worse management, are like to be lost, if not to the whole, yet to the greater part of the subjects of that country.

Among other trades, that to the East-Indies is become one of the greatest that is in England, and therefore well befitting the care of our representatives in parliament, to declare and establish the right thereunto, as well as the methods of its management. This being likewise one of the greatest and most beneficial trade of all the trades of Holland, as that author observes in page 144 of his ingenious treatise: "The Dutch," says he, "with good reason, esteem the trade of the East-Indies more profitable to them than are the mines of gold and silver in America to the King of Spain." Therefore, as of all others it is that wherein the Dutch are most emulous of any competitors, so we are under the more absolute necessity to have a share in it, and are the more concerned to secure and encrease it. One of the chief designs of Sir Josiah Child, in that treatise, seems to be, the shewing the necessity and advantage of encreasing the trade of this kingdom, so as to enable us to cope therein with our neighbours in general, and particularly with the Dutch, which is a subject of very great importance, and well worthy so great a pen. And the nation is much indebted to him for those many ingenious maxims and observations he has made publick, which were never more necessary to be considered than at present.

There are many of his propositions which may be made extremely useful and advantageous to the trade of this kingdom in general, and particularly in the settlement of the East-India trade, by an easy admission into it, under the government of a regulated company of merchants, which is the method the author proposes as most beneficial to the kingdom for all other trades which are managed by companies; and the East-India

trade being that wherein, of all others, he has had a greater share of interest and experience, it might reasonably have been expected he should have laid down such rules and methods for the future conduct and improvement of it as might effectually have answered the aforesaid end of his treatise.

But as the greatest men are subject to human frailties, so herein that gentleman has given an instance of it, for he has been most silent as to the methods of the government of that trade; and though it be of so great importance as well to this kingdom as the Dutch, he has treated of it in the slightest manner of most others, and given neither rules nor reasons worth mentioning either for the present or future management of it. But yet, in that little which he has observed concerning it, his private interest has led him to contradict himself and his own propositions, by which he has given a very great blemish to that noble undertaking, and shewed the world how difficult a thing it is for some men to be impartial, where private interest comes to stand in competition with the publick.

I shall, in order to the treating this matter, consider these four things:

I. The propositions laid down by the author, as his opinion concerning trade in general.

II. The reasons which he has offered for the management of the East-India trade in the present method.

III. Shew how inconsistent the present constitution of the East-India Company is with the author's propositions and opinion, laid down as to trade in general.

IV. I shall answer some of the most popular objections which are made against the determination of this company, and the management of that trade, in any other manner than by a joint-stock.

I might add likewise a fifth, to shew how contradictory the present constitution of the East-India trade is to the law of nature, and the liberty of a free-born people, and to the common and statute laws of the land. But of this I shall say nothing; it is a subject which would deserve a particular consideration, if the learned arguments which have been made upon the occasion of its contest, together with the opinions of most of the judges which have been given upon this matter, had not sufficiently proved it.

I. The propositions laid down by the author, and his opinion as to trade in general.

The great design of the author being to lay down rules and methods for the encrease and improvement of the trade of this kingdom in general, and for enabling us to cope therein with our neighbours, and especially the Dutch, he has proposed several, as necessary to the attaining that end, and principally the encouragement of industry and ingenuity, and the abatement of interest, as mainly conducing to it, the advantages of which are largely handled, and take up a great part of that treatise. And in page 153, speaking of the balance of trade, he asks, "What is to be done in England to improve the trade thereof to such a degree as to equalize or overbalance our neighbours in our national profit by our foreign trade?"

"The method I propose," says he, "for the answering this great question, is, (following my own principle, that if trade be great, and much English shipping employed, it will be good for the nation in general, whatever it may be for private merchants,)

first, to lay down some general rules for the enlargement of trade in England, and then some ways of reducing those general rules into use and practice. The general rules for the enlargement of trade are not many:

" 1. Encrease of hands in trade.
" 2. Encrease of stock in trade.
" 3. Make trade easy and necessary, *i. e.* make it our interest to trade.
" 4. To make it the interest of other nations to trade with us."

And after, in fol. 159, speaking of the 4th general rule, to reduce it to practice, viz. to make it the interest of other nations to trade with us, " We must be sure," says he, " to furnish them at as cheap, or cheaper, rates than any other nation can or doth; and this, I affirm, can never be done without subduing usury especially, and doing those other things beforementioned, that will conduce to the increase of our hands and stock; for our being in a condition to sell our neighbours cheaper than others must be principally, when it is an effect of many hands and much stock."

" *Object.* " But it may be said," (says the author,) " how shall we profit by this rule of selling cheap to foreigners, whereas the contrary is said to be the way to riches, viz. to sell dear and buy cheap?"

To which he answers: " That, in a strict sense, it may be so for the private merchants; but in this discourse," says he, " I am designing to shew how our publick national trade may be so managed that other nations who are in competition for the same may not wrest it from us, but that ours may continue and increase, to the diminution of theirs: If there were no others to wage with us, we might, as the proverb says, make our own markets; but as the case now stands, that *all the world are striving to engross* all the trade they can, that other proverb is very true and applicable, All covet, all lose."

And to avoid mistakes which may be made in the consideration of these matters, the author, in his preface to that treatise, advises the reader, " That in all his meditations on these principles, he should warily distinguish between the profit of the merchant, and the gain of the kingdom, which are so far from being always parallels, that frequently they run counter one to the other; almost all men, by their education and business, having fixed their eye and aim wholly upon the former, do usually confound those two in their thoughts and discourses of trade."

And speaking of companies of merchants, fol. 81, 82, he says, " It hath been a moot case, whether any incorporating of merchants be for publick good or hurt; for my own part, says he, I am of opinion,

" 1. That for countries with which his majesty hath no alliance, nor can have any, by reason of their distance or barbarity, or non-communication with the princes of Christendom, &c. where there is a necessity of maintaining forces and forts (such as the East-India and Guinea) companies of merchants are absolutely necessary.

" 2. It seems evident to me, that the greatest part of these two trades ought for publick good to be managed by joint-stocks.

" 3. It's questionable to me, whether any other company of merchants are for publick good or hurt.

" 4. I conclude, however, that all restrictions of trade are naught, and consequently that no company whatsoever can be for publick good, except it be easy for all or any of his majesty's subjects to be admitted, &c.

" 1. Because the Dutch, who thrive best, and have the surest rules to thrive by, admit not only any of their own people, but even Jews and all kind of aliens, to be free of any of their societies of merchants, or any of their cities or towns corporate.

"II. Nothing in the world can enable us to cope with the Dutch in any trade, but increase of hands and stock, which a general admission will do, many hands and much stock being as necessary to the prosperity of any trade, as men and money to warfare.

"III. There is no pretence of any good to the nation by companies of merchants, but only order and regulation of trade; and if that be preserved (which the admission of all that will come in, and submit to the regulation, will not prejudice) all the good to the nation that can be hoped for by companies is obtained."

And a little after, fol. 83, making inferences from what he had been observing concerning regulated companies of merchants, he reduces them to four, viz.

"1. That restrained and limited companies are not alone sufficient to preserve and increase a trade.

"2. That limited companies, though established by act of parliament, may lose a trade.

"3. That a trade may be carried on to any part of Christendom, and increased without companies.

"4. That we have declined more, at least have increased less, in those trades limited to companies, than in others where all his majesty's subjects have had equal freedom of trade."

These being the propositions which are laid down by the author for his opinion as to trade in general, I shall consider the second thing proposed, viz.

II. The reasons offered by him for the management of the East-India trade in the present method.

The East-India trade, under the present constitution, standing upon such a foundation as contradicts the author's propositions for the conduct of all other trades, and which is accounted by him to be prejudicial to the publick good, and destructive to industry and ingenuity; and considering what he says from the considerations he had made of companies of merchants in general, page 84, "That all the trade to any part of Christendom might be carried on, and increased, without companies," it might rationally have been expected that such reasons should have been proposed for the management of that trade in the present method, as should not have been liable to any objection, and that he would have shewed wherein it differs so much from all the trades of Christendom, that it ought to stand on so different a constitution.

But he has not attempted to prove any such thing, nor shewn a necessity of having any company of merchants at all for that trade, much less one with a joint-stock exclusive; for what he says in page 81, "That for countries with which his majesty hath no alliance, nor can have any, by reason of their distance or barbarity, or non-communication with the princes of Christendom, &c. where there is a necessity of maintaining forces and forts, such as the East-India and Guinea companies of merchants are absolutely necessary," is a perfect begging the question: But it does not make appear, that forces and forts are necessary for the carrying on of that trade; nor if they were, that they could not be provided for without a company with a joint stock; which if he had proved, it might have seemed as evident to others, as he says it does to him, that the East-India and Guinea trades ought to be so managed; but as he only mentions those things as arguments for a company of merchants, so, if they were necessary, they make nothing at all to his purpose, as to a company with joint stock; for I will admit, that a company of merchants is necessary for those trades: And yet I doubt not but it will appear very plain by the sequel of this discourse, that if forces and forts were necessary, they might be maintained by a regulated company of merchants, as well as by a company with a joint-stock; for the author allows, that order and regulation may be had in a company of merchants without a joint-stock, and declares, that there is no other pretence of any good to the nation by any company of merchants, than only order and regulation; and in page 88 he confesses, that the

Turkey Company maintain ambassadors, consuls, &c. so that 'twill naturally follow, and he himself must admit it, that the East-India and Guinea trades may be carried on by a company of merchants without a joint-stock, and that if forces, forts, &c. were necessary for the good and security of those trades, they might be maintained by such a regulated company, as well as by a joint-stock; and of this their own permission-trade is a sufficient demonstration, for which licence to trade they have exacted from their fellow-subjects 30, 40, and 50*l. per cent.* a much greater tax than what is necessary to be levied by a regulated company for the support of their charge. And it cannot be supposed, if the author had not been fully convinced of his being upon a wrong foundation, but that a person of his great parts and ingenuity would have given some better reasons to the world, why those trades ought, as he says, for the publick good, to be managed by a joint-stock, than barely his own asserting, that so it seems evident to him. The reader may well be surprised how the author should come to draw such a conclusion from those premises; and, as it has been already observed, he has given no reason for this his opinion, although it be so contrary to his own maxims; so that it's plain nothing but his own interest in the East-India stock could make that seem evident to him to be best in this trade, of which the direct contrary, in his opinion, is most for the publick good in all other trades. And as it would not have been decent in him to tell the world for a reason, how great his concern was in the joint-stock of the East-India Company, so it would not have convinced any other, who had not the same reason as the author to have it seem evident to him, by having so large, or at least some share therein. Yet it must be allowed to be a convincing argument, and of a very great weight, as to the author, but of no weight at all as to the public; and it shews how necessary the author's advice is, in the preface of his treatise, to distinguish between the profit of the merchant and the gain of the kingdom.

As for the barbarity of the Indians, the contrary thereof is so well known that it will not pass for any argument, there being no people in the world more civilized: Our late carriage towards them has indeed given them too much occasion to account us barbarous; but they have not by their behaviour ever given us any cause to esteem them so.

Having thus considered the author's reasons, which he has offered for managing the East-India trade in this method, I shall consider the third thing which I proposed; which is,

III. To shew how inconsistent the present constitution of the East-India Company's trade is with the author's own propositions.

I think there needs no other argument to prove this, than only what I have already observed, and taken from the author's said treatise; but because something more particular may be expected, I shall do it briefly.

It is plain, by the author's opinion, fol. 81, that all restraints in trade are naught: "I conclude, however," says he, "that all restrictions of trade are naught, and consequently, that no company whatsoever can be for the publick good, except it be easy for all, or any of his majesty's subjects, to be admitted," &c. Joint-stocks, especially exclusive ones, are monopolies, and are effectual restraints in trade; so that they perfectly contradict the author's principles, being so many shackles to trade, and curbs to industry and ingenuity, which hinder the increase of hands and stock in trade, and give most of the advantage that is made thereby to men of great estates, who, though they are never such idle drones and sluggards, lazily reap and enjoy the benefit of the labour and pains of others, who, having smaller estates, are more active and industrious; and they are inconsistent with one of the chief rules laid down by the author for the enlargement of our trade, page 154, viz. "To make it the interest of other nations to trade with us;" they making goods dear, instead of making them cheap, and so force us to trade with other nations to supply ourselves, instead of making it their interest

to trade with us, as is visible by the excessive prices of all East-India goods above what they would have been if all their majesties subjects had enjoyed an equal freedom to the trade, and the vast quantities which have been of late imported hither by stealth from Holland.

If all the trade of this kingdom were carried on by such exclusive joint-stocks as those of the East-India and Guinea Companies, this nation might produce half a dozen men of estates equal with most dukes, and all other traders must remain their slaves, tacksmen and vassals; and therefore what the author says of usurers, pag. 24, 25, may, with very little variation, properly be applied to those who are so earnest and solicitous for the continuance of this company, and oppose the carrying on of this trade in a regulated company.

"The sufferers, I know none, but idle persons, that live with little labour, not working with their hands or heads to bring either wax or honey to the common hive of the kingdom; but swelling their own purses by the sweat of other men's brows, and contrivance of other men's brains; and how unprofitable it is for a nation to suffer idleness to suck the breasts of industry, needs no demonstration."

In a regulated company of merchants there is a constant and easy admission for all men; which is the increasing of hands and stock in trade, so much commended by the author, and which he declares to be as essentially necessary to the prosperity of any trade, as men and money are to warfare.

Yet the author magnifies the admission into the East-India Company, and finds fault with the narrowness of that into the other companies of merchants; whereas the charge thereof is generally small, and the privilege great; for any one, who is once admitted into a regulated company, may drive as great a trade as he pleases, without limitation; and 'tis such an admission which increases hands and stock in trade, two of the general rules which the author lays down, in fol. 154, for the enlarging our trade. And though all the restraints that are in most other trades, under regulated companies, may easily be removed, and those may properly be said to restrain themselves who are not admitted, because they do not think it worth their while, yet the author is of opinion that even those restraints ought to be taken away, and the freedom of trade made more easy; and in the author's answer, made in the company's name, to the regulations proposed by the lords of the council, he says, "Trade is a free agent, and must not be limited or bounded; if it be so in any nation, it will never prosper." And in another place of the same answer, "Trade must be free for the publick good, otherwise it will die or fly away." Yet he approves of the restraint in the East-India trade, as necessary for the publick good, though that be such a restraint as is in effect a total prohibition of all others but themselves; however, the admission into the East-India Company for 5*l.* is what he speaks of in pag. 89, 90, as one of the main causes of all their success.

"Undeniable experience," says he, "hath convinced all gain-sayers in this matter, that the East-India Company, since its having had so large and national a foundation, having likewise had a succession of better governors, deputies, and assistants, than ever it had upon that narrow bottom it stood formerly, when none could be admitted to the freedom of that company for less than a fine of 50*l.* and the success hath been answerable. For the first company, settled upon that narrow limited interest, although their stock was larger than this, decayed, and finally came to ruin and destruction; whereas, on the contrary, this being settled on more rational, and consequently more just, as well as more profitable principles, hath, through God's goodness, thriven and increased to the trebling of their first stock."

But here I must beg leave to observe, that the great success of this company's trade, so far exceeding the former, is not owing to the admission of any one for 5*l.* as the author would insinuate, but to some such causes as these, viz.

I. The great and general use and esteem of calicoes and East-India commodities, of which the consumption has been above ten times more than it was formerly.

II. The war in which France and Holland were engaged for so many years, when we enjoyed peace, which gave us an opportunity to furnish not only those countries, but all the world, with most sorts of East-India goods; which, together with the low duties formerly paid, have been the chief reasons of this company's great success.

Nor are the advantages which the nation received by the East-India trade owing to the management of it by a company with a joint-stock; for the same might be had under a regulated company, and much greater. Those which the author mentions chiefly, are in 144, 145, and 146.

"I. That trade," says he, "employs twenty-five or thirty sail of the most warlike ships in England, with sixty or an hundred men in each ship, and may, in two or three years more, employ a greater number, &c.

"II. It supplies the nation constantly and duly with that (in this age) necessary material of salt-petre.

"III. It supplies the nation for its consumption with pepper, indigo, calicoes, and several useful drugs, near the value of 150,000 or 180,000*l. per annum.*

"IV. It furnishes us with the pepper, cowries, long cloth, and other calicoes and painted stuffs, proper for the trade of Turkey, Italy, Spain, France, and Guinea, to the amount of 2,or 300,000*l. per annum.*

"Now, if not only the aforesaid advantages be seriously considered, but also what detriment the nation would sustain if we were deprived of those supplies, both in point of strength and warlike provisions, in regard of shipping and salt-petre, but also in respect of the furtherance it gives to many other trades before-mentioned, it will easily appear that this trade, though its imports exceed its exports, is the most advantageous trade to England, and deserves all encouragements; for were we to buy all our pepper and calicoes of the Dutch, they would raise our pepper (which now stands but about [illegible] per pound in India) to, or near the proportion which they have advanced on nutmegs, cloves, and mace, (which cost the Dutch not much more per pound in India than pepper,) since they engrossed the trade for those commodities, and the use of calicoes in England would be supplied with foreign linen at greater prices; so that what may be secured for this nation's consumption would, in all probability, cost them at least 400,000*l. per annum* more than now it doth, and our foreign trades for Italy and Guinea would in part decay for want of the aforesaid supplies."

Most of which advantages the nation has now lost, by having this trade managed by a joint-stock, and is never likely to recover them again, unless by the cheapness of East-India goods, which may be procured by an open trade, and can scarce ever be attained by any other method. The French, by their high duties, had perfectly prohibited all calicoes, and other East-India goods, before the war, but what comes directly from thence on their own ships; the Dutch import so large quantities, that they do not only supply themselves, and those other countries which we formerly supplied, but even the consumption of this kingdom; and besides them, the Danes, Portuguese, and Genoese, are all courting this trade.

This company, instead of employing twenty-five or thirty of the most warlike ships, and of importing 180,000*l. per annum* in pepper and drugs, and exporting again 200,000 or 300,000*l.* in calicoes and other commodities for Spain, Italy, &c. have not had home, in three or four years time, that value in all manner of goods, though most sorts of East-India commodities are, and have been sold for double, some treble, and four times as much as formerly; and for salt-petre, they have scarce had any home of late; so that for want thereof, a bill is now brought into parliament to license the importing of it from Holland, that commodity being now sold at about 8*l. per cent.* which was formerly sold for little more than 40*s. per cent.* And it is observable, that

the want of East-India goods is not occasioned by the present war, or a want of leave to send out ships, but for want of stock to lade home those ships which they had; so that the restraining the East-India trade to this company, and not permitting others to trade thither, has hindered the improvement of it, and in a manner wholly given it to the Dutch, who never had so great cargoes from thence as they have had now of late.

What remains to be considered is,

IV. To answer some popular objections which are made against the determination of this company, and the managing the East-India trade, in any other manner than by a company with a joint-stock.

In considering which objections, I shall reduce them into four particulars.

I. The trade will be spoiled by paying dear for our native commodities here, and selling them cheap abroad, and buying foreign commodities dear abroad, and selling them for less than they cost, to the ruin of those who trade, and destruction of the trade itself; as was experienced by the open trade formerly, when the Indians were the only gainers; and besides the Dutch will run away with all the trade.

II. Private merchants will only look to their private gain, whereas companies with joint-stocks lay out great sums of money without any present profit, only upon the prospect of future improvements and advantage.

III. If joint-stocks exclusive are so prejudicial to the publick, and such discouragements to *industry and ingenuity*, how came any joint-stocks ever to be established, and the Dutch to manage their East-India trade in that method?

IV. Forts and castles are necessary, and the trade cannot be carried on without them, and they cannot be maintained without a joint-stock; they have cost the company above a million of money, and are their property; and they cannot be forced to part with them; and if they should, how could they be paid for them?

These seem to be the most considerable objections which have occurred to me to have been offered against the carrying on the East-India trade by a regulated company; and if, upon examination, they should appear to be of no weight, it will then doubtless be admitted, that, for the publick good, the East-India trade ought not to be carried on by a joint-stock, (and especially an exclusive one,) but in an open trade by a company of merchants, like the Turkey, or other regulated companies.

First Objection. "*The Trade will be spoiled,*" *&c.*

The author himself answers this objection in pag. 84, 85.—"*Caveat emptor,*" says he, "Let particular men look to themselves, and so doubtless they will in those trades for which there are now companies, as well as they do in others, for which there are no companies. It is the care of law-makers first and principally to provide for the people in gross, not particulars; and if the consequence of so easy an admission should be to make our manufactures cheap abroad, and foreign commodities cheap here, (as is alledged,) our nation in general would have the advantage both ways."

If in an open trade people will ruin themselves by trading to loss, it is an argument the trade will be drove; and then it will not be in danger, by being open, to fall into

the hands of the Dutch, which it is very likely to do if it continues in this company; the Dutch do not desire to have their East India goods sold so cheap here in Britain as for they will get little by that way of trading, the charge of their trade so much exceeding ours, by reason of the great garrisons which they are forced to maintain to secure their cinnamon and spice trade; and it is undeniably certain, that the Dutch desire nothing so much as the continuance of this company, but fear any thing more than a regulated company for this trade.

This objection may as well be made against all trades which are not drove by joint-stocks. It may probably happen that those who may trade in a free and open trade, under a regulated company, may not get two or three for one on the goods which they may import, as the company now do, by reason of the excessive prices they sell at, by being engrossed into one hand, and their having starved the trade; but in time of peace may get 20 or 30 per cent. only, and they will be very well contented to get no more; which small profit must, in a little time, quite beat the Dutch out of all, (except the spice trade;) for it is very well known they dealt but very little in calicoes, and other manufactures, till the prices of East-India goods were enhanced to such extravagant rates as they have been of late. Nor did they or we get so much on those goods formerly when a larger trade was drove, nor can the profit be so great on that trade hereafter, which way soever it shall be managed. But it is better for the nation to have 10*l.* per cent. gained on 300*l.* employed in trade, than to have but 100*l.* employed by which the merchant shall get 30*l.* per cent. The making a great profit on a particular trade may be fit for particular men to consider that drive that trade, but was never yet thought a consideration worthy the legislators providing for, so as the nation in general got by the trade; for the great profit which particular men may make, is for the most part directly opposite to the interest of the publick; and it is contrary to the author's maxims laid down in pag. 84, 85, *and in his preface, as is already observed.*

"For we must distinguish," says *he*, "*between* the profit of the merchant and the gain of the *kingdom, which are* so far from being always parallels, that *frequently* they run counter the one to the other."

The more traders there are, the better it is for the publick, though perhaps it may be worse for the private merchants that drive those trades. The more goods are exported and imported, the more ships employed, the more custom paid, the cheaper our manufactures are abroad, and the greater the consumption of our own goods, the nation in general will have the advantage, though the traders may not; and the cheaper East-India goods are, the subject will pay the less for what is consumed at home, and the more of them will be again exported abroad, for other nations and countries, who will thereby be encouraged to trade with us.

But it may very well seem strange, that the cheapness of commodities should be made an argument against that method of trade which will make them so, seeing it is what the author chiefly aims at in his treatise, in respect of all other trades, by the lowering interest, and making ingenuity and industry necessary; and is what he lays down as an essential maxim to be observed, which will enable us to cope in trade with our neighbours, and especially the Dutch; and yet this is the main objection against an open trade to the East-Indies by a regulated company, without a joint-stock. But this, when it is considered, is so far from being an objection against it, that it is one of the strongest arguments which can be used for it; and it is one of those general rules which the author lays down for the enlargement of the trade of England, in fol. 159.

"To make it the interest of other nations to trade with us, we must *be* sure," says he, "to furnish them as cheap, or cheaper, than any other nation can, or doth," &c.

As for the instance, that it has already been found by experience, that when this trade was formerly open, people ruined themselves by trading *to loss*, there was not

one tenth part of the calicoes and other East-India goods consumed here there is now, and has been of late years; and if that be an objection allowed against an open trade for the East-Indies, it will likewise hold against any trade at all being drove thither, because that there was formerly a loss by it, even whilst the trade was managed by a joint-stock, as well as there was when it was open, as may appear in fol. 41 of that treatise: "There are," says the author, "some men yet living who do remember a greater trade to East-India, and a far greater stock employed therein than we have now, and yet we were so far from thriving upon it, that we lost by it, and could never see our principal money again."

Yet it is evident, by the author's opinion, page 148, 150, and 154, that the merchant may lose in a trade and the nation still gain; and that there is a great difference between the gain of the kingdom and that of the private merchant.

Page 148, says he, "If our trade and shipping encrease, how small or slow soever the profits are to private men, it is an infallible indication that the nation in general thrives; for I dare affirm, that categorically in all parts of the whole world, wherever trade is great, and continues so, and grows daily more great, and increases in shipping, and that for a succession, not of years, but of ages, that trade must be nationally profitable."

Page 150, the author says further, "Where a great trade is driven, especially where much shipping is employed, whatever becomes of the poor merchant that drives the trade, multitudes of people will be certain gainers, as his majesty and his officers of customs, besides shipwrights, butchers, brewers, bakers, rope-makers, porters, seamen, manufacturers, carmen, lightermen, and all other artificers and people that depend on trade or shipping, which indeed, more or less, the whole kingdom doth."

And page 154, as has been already observed, he calls it, "The following his own principle, that if trade be great, and much English shipping employed, it will be good for the nation in general, whatever it may be for the private merchants."

But, to answer this objection more fully, it is very observable, that there is a far greater trade drove from port to port in India, and from thence for the Red Sea, Persia, the South-Sea, China, and the Manillas, which goes from thence to the Spanish West-Indies, than what is drove to Europe; and the particular merchants buy their goods in all those trades without any joint-stock, and yet they do not ruin themselves, nor do they lose the trade, or give away all the profit to the natives: Sometimes they get more, sometimes less, as there is a greater or less quantity of goods at the market, and as there is more or less demand for them, in like manner as in all other trades. And it may not be amiss to observe, that they have neither forces, forts, nor castles in India to drive their trade. I shall only add, that many of the members of this company do publickly declare themselves in favour of an open trade by a regulated company, if the present company should be dissolved; which shews plainly, that it is nothing but private interest which makes them now against it.

Second Objection.—"*Private Merchants will only look to their present Gain,*" &c.

This joint-stock company, instead of discovering any new trades, has lost several trades which the English nation had formerly. They have given the Dutch the whole spice-trade: We had the islands of Polleroon and Amboyna, and a factory at Maccassar, which if they had recovered back from the Dutch, according to the treaty of peace, would have furnished us with spice enough for ourselves, and wherewithal to supply other countries; and they have likewise lost the trade of Bantam, and thereby given the Dutch an opportunity to engross not only the pepper-trade, but likewise in time

to shut us quite out of the South-Sea and China trade, which last, though it has been in a manner wholly neglected by them, might be made more beneficial to this kingdom than most of their other trades.

They have in a manner lost all other trades, excepting only their trade in the Mogul's dominions, which, if it had been possible to [illegible] and for the Dutch to have engrossed, the company have taken a great deal of pains to give them an opportunity to do it. All the new trade which they have discovered, instead of those which they have lost, is our settlement at Bencoolen, a place which finds a great vent for our manufacture, if the lives of poor Englishmen may be called a manufacture, as they have been accounted by some of the great men of that company, upon the occasion of our first settling there. That place has proved a Golgotha to our Englishmen; and let it cost what it will the fortifying, that is all the (morally speaking) impregnable asylum, as they call it, to the English nation which it is ever like to be. If this be all the improvement which has been made by a joint-stock in the East-India trade during thirty-six years, it had been well for England there had been no joint-stock in that trade, or none of this improvement; we had saved several hundred poor Englishmen's lives, which have been sent thither to die like dogs.

Third Objection.—"If Joint-Stocks are so prejudicial to the Publick," &c.

For reply thereunto, it is to be observed, that in the infancy of trade, and especially of such as are remote, where particular persons would not adventure for fear of the disappointments that commonly attend the first undertakings, joint-stocks have been thought necessary, but are not so when a trade is fully discovered and settled, and when it can be carried on as well, or better, by particular men, without a joint-stock; for as joint-stocks may be useful in making the first discoveries and settlements of trades, and especially of such as are remote, so they have always been prejudicial to the future improvements and increase of those very trades after their first settlement, by not leaving a full scope to industry and ingenuity, as may plainly appear by the slow progress, little improvements, and less discoveries which have been made in the East-India and Guinea trades since their being first frequented, if compared with the improvements of most others since that time, where industry and ingenuity have had their full course, and been freed from these shackles, of which there needs no other demonstration than those vast improvements that have been made in our own West-India plantations, which could have been in no manner of proportion so considerable if they had been managed by a company, and especially a company with an exclusive joint-stock. And this the author acknowledges, fol. 84: "We have," says he, "declined more, at least have increased less, in those trades limited to companies than in others, where all his majesty's subjects have had equal freedom to trade." And it is very remarkable, how great enemies restraints are to discoveries and improvements, by the great countries and people which are yet unknown to us towards the south pole, compared with those towards the north pole, which countries being as remote from the sun, might doubtless afford a great consumption to our woollen manufactures, and supply us with some useful commodities in lieu of them. And the want of these discoveries can be imputed to nothing but the restraint of trade, occasioned by the English and Dutch East-India Companies, and the severity of the Spaniards, in prohibiting trade into their West-Indies.

And though it be acknowledged that the Dutch carry on their East-India trade by a joint-stock, yet that is no rule for this nation to do the like, if it may be managed to more publick advantage in some other method: For the question is not, how the

Dutch manage this trade, but how the English may do it so as to be the most beneficial to this kingdom, and to enable us best to cope with the Dutch, and whether that may not be done better without a joint-stock than with one.

The Dutch, it is true, began their trade to the East-Indies by a company with a joint-stock; and they first settled themselves by conquest, pursuing dominion and empire, and are under a necessity of continuing their trade in that manner, though the charge of their garrisons and governments is so excessive, that nothing but the spice-trade, and the confining our East-India trade to an exclusive joint-stock, could have hindered them from being ruined long since.

Our first settlement in the East-Indies was by trade, as merchants, and must subsist by a fair and upright dealing with the natives, a just and punctual compliance in bargains and payments, thereby preserving a mutual intercourse and good understanding with them; for we have no territories, garrisons, or castles, which afford or secure us any trade but such as we might as well, nay, better, be without.

The Dutch East India trade and their government are so interwoven, that what lessens the one affects the other; and therefore it is not to be wondered that they should be so solicitous to preserve and increase it, and to oppose any thing which might seem to lessen it.

[illegible] *are so necessary, that the trade cannot be carried on without them,*" &c.

[illegible]forts, &c. are such as are to be regarded, either for the revenue arising by them [illegible]mpany, or as they are necessary to carry on the trade; and all the charges [illegible]ve been disbursed on them are not to be reckoned as their cost, for they have [illegible]use of nem, and the annual charge ought to be placed to the trade. If the [illegible]ry, Hamburgh, East-land, or any other regulated company of merchants, should [illegible] account of all the charges of their ambassadors, residents, and factories, since [illegible]t foundation, it might probably, in some of those companies, exceed the charge [illegible]East-India Company's forts, &c. But the annual trade has borne the annual charges; and they do not, upon that score, increase the charge of the admission of any one into their company and trade.

If their forts are so great a revenue as they pretend, they need not part with them, but may keep them, and have home the annual revenue from thence.

And if they are necessary to carry on the trade, those who succeed them in the trade will consider the necessity which they have of them, and in such case cannot be without them; and their value may be adjusted by persons indifferently chosen, as has been always formerly practised upon the like occasions; and the money may be raised to pay for them, either on the trade, as all impositions are in the Turkey, and other regulated companies, or paid by the government out of the customs arising by the trade, which would soon more than compensate that charge by their increase.

The forts and islands have hitherto gone along with the trade, and the company's successors have been accounted those who have succeeded them in the trade; and therefore they cannot properly be called their freehold, because of their national property in them; nor can they, if they would, sell them to the French or Dutch, as they pretend, Bombay and St Helena being annexed to the crown, and holden of the manor of East Greenwich at a certain quit-rent; neither would the French or Dutch buy them (because they would be of no use to them) though the company had as good a power as they might have a will, to sell them to any who they thought might prejudice England most in buying them; but it shows a great deal of confidence, as well as ill-nature in them, to pretend to do it if they could. If they are not willing to part

with their forts, let them see who they will hurt most; for it is plain the trade may be as well and better carried on without them. At Bengal, the flower of all the trade of India, we never had a fort, nor any thing like it, and yet the greatest and most profitable part of the East-India trade has been from thence. We trade in all parts of the Mogul's dominions with as much security as any foreigners do in London; and this is demonstrated by their own and private ships trading in many other places where they have no forts; for they have no garrisons in any place where they have a trade but Fort St George, and our new acquisition of Fort St David's; and there they might have the same trade without them, and be freed of the charge of maintaining them.

Bombay is a good harbour for our ships, but affords no trade, and we should have the same benefit of that harbour, although the island were under the Mogul dominion.

If we have peace with the natives, we want no forts; and if we are encouraged by our forts to make war, we shall soon repent, as the company may, that they ever had any; and, on that consideration, as well as the necessary charge of keeping them, it had been well for this nation the company had never had any. In time of war with the natives, we may perhaps with difficulty keep our forts, but we cannot drive our trade; the war we had with the Mogul has been a sufficient proof of this assertion.

Their forts are of so litt[illegible]use, that after the c[illegible] be best thing which co[illegible] be done for the advant[illegible] would molish them, follo[illegible]ng therein the example of the w[illegible]e Dutc[illegible] who have d[illegible] lished Pollicat[illegible]e, a fortification which they had near Fort St George, and o[illegible] strength t[illegible]an any we have in India, and which was the only [illegible]rt they had [illegible] Mogul's dominions, and thereby our trade would be freed of [illegible] the great [illegible] cessary charge of maintaining them, and we should be better secur'd by an [illegible] pendence on the Mogul's protection.

If forts and castles were of any use in India, it could only be in [illegible] countries small princes; but they can never be of any use in the Mogul's dominions; one of the greatest princes in all the world. And if forts, &c. were necessa[illegible] might be maintained by a regulated company of merchants, as well as by a [illegible] with a joint-stock.

What I have already observed, I hope, may suffice to show that the East-India trade may be carried on by a regulated company, like the Turkey and Hamburgh companies, and that such a constitution would tend most to the increasing hands and stock in trade; and the encouraging industry and ingenuity would be the most advantageous to the publick; and which, according to the author's own opinion, is best in all other trades, and therefore may be supposed to be so in this, and is the likeliest method to enable this nation to cope therein with our neighbours, and especially the Dutch, and to hinder their engrossing that whole trade. And the author must either disapprove the present method of managing the East-India trade, with a joint-stock exclusive, or must give better reasons for it, than barely his own asserting, "That it seems evident to him, that it ought for the publick good to be carried on in that manner;" or else he must proclaim to the world, that, where his private interest is concerned, he can and will contradict himself.

As the design of this discourse was only to show that the East-India trade might be managed to much greater advantage to the publick, by a regulated company of merchants, than by a company with a joint stock, so what I have mentioned of the Guinea trade has only been occasional, because the author has joined the East-India trade and that together, when he says, fol. 81, "It seems evident to me, that the most part of those trades ought, for the publick good, to be managed by joint-stocks." If it had been the subject of this discourse to have shown, that the Guinea trade ought, for the

publick good, to be managed by a regulated company of merchants, rather than by a company with a joint-stock, there might have been much more said to prove it. But what has been observed concerning the East-India trade may, I suppose, convince any unprejudiced person, whose judgment is not biassed by his own private interest.

If a regulated company shall be thought, by the wisdom of the parliament, best for the management of the East-India trade, it is not doubted but it will be settled in that method; and that some provision will be made, in such manner as shall be thought most proper, to prevent the company's dividing all or more than their estates, until they have paid the debts they owe in India, that so the English nation may not hereafter suffer for their embroils.

Considering how small a trade the East-India Company have driven for several years, and how great the Dutch, there is a necessity of some speedy resolution in this matter. I shall conclude therefore this discourse, as the author does his preface, with a very small alteration: "I think no true Englishman will deny, that the season cries aloud to us to be up and doing, before our fields become unoccupied, and before the Dutch get too much the whip-hand of us, whom in such a case, (were they freed from their French fears, which they labour under at present,) I fear we should find as severe task-masters as ever the Athenians were to the lesser trading cities of Greece.

"Neither are the Dutch the only neighbours we have for co-rivals in trade, but the French king and king of Sweden are now as active, circumspect, industrious, and perspective too in this affair, and have, and are ordering things as prudently for promoting thereof, as the Dutch themselves.

"There is nothing can be said for publick good but will cross the particular ends as well as opinions of many private persons; and still the more is said the more are disobliged; but my duty to my country overcoming these considerations, I have adventured this second time to expose my conceptions to publick censure, with this confidence, that after these principles have suffered the accustomary persecution of tongues and pens, naturally and constantly accompanying all new proposals, they will at length, or something very like them, come to be generally received, and honoured with the publick sanction, concerning the time whereof I am not careful; but for my country's sake I could wish it might be shortened."

A true Relation of the Rise and Progress of the East-India Company, shewing how their Manufactures have been, are, and will be prejudicial to the Manufactures of England; and what Endeavours have been used for and against any Restriction. Together with some Remarks thereon.

The goods imported from the East-Indies, for several years after the East-India Company was first established, were drugs, spices, saltpetre, &c. and some coarse calicoes, which were most exported again: The members of the company being then afraid to adventure on other manufactured goods, because they well know they would prejudice our own, and raise a storm against the company, as they oftentimes declared.

The charter of the East-India Company was confirmed by King Charles II. in the thirteenth year of his reign: And the law for permitting bullion to be exported was made soon after, at the solicitation of that company; and till then little silver or gold

was exported. After that law was made, begun the great exportation of bullion to India.

In *anno* 72, or 73, several artificers were sent over by the company, with great quantities of English patterns, to teach the Indians how to manufacture goods to make them vendible in England, and the rest of the European markets. After which began the great trade in manufactured goods from the Indies.

This was complained of, and proved before several lords appointed by King Charles II. in *anno* 1680, or 81. Whereupon the company received some discouragement; but finding great gain by wrought silks, Bengals, and calicoes, would not desist trading in them: Upon which great complaints were made in parliament against the growth of the East-India trade, which was grown so large that about 500,000*l.* in bullion, and but small quantities of our manufactures, were yearly exported; and vast quantities of manufactured goods imported, for several years before the war, which were most spent in England and our plantations, in the room of our own manufactures, viz. their wrought silks, Bengals, painted and dyed calicoes, in the room of our silks, half-silks, worsted stuffs, sayes, perpetuanoes, and divers other commodities, not only for vestments for both sexes, but for hanging of rooms, beds, &c.

But this was not all the mischief these Indian manufactures did us, for by our using muslins, romalls, and calicoes, they have beat out the use of fine German linens, Silesia cambricks and lawns, which we had in return of our own woollen cloth, &c. which trade is now almost wholly lost; for the Silesians, when we would not take off their linens, could not take off our cloth, but were compelled, by necessity, to set up the making woollen manufactures, with which they now supply both themselves and other places, which heretofore we were wont to furnish, (and, as we are credibly informed, in Flanders they are now about doing the same thing).

By which means the East-India trade was increased to a very great height, and their manufactures in so great request, that they (from being a scandal to be worn a few years before) soon became the general wear of almost all sorts and degrees of persons, while our own were neglected, and our manufacturers thereby under great discouragements, being not able to carry on their trades, many were forced to give over, whereby the poor wanted employment, the price of wool reduced very low, and great quantities of wool could not be manufactured: Whereupon the parliament thought it necessary to make a law for *burying in woollen*, thereby to consume some of the wool that lay heavy upon the growers hands.

The Indians have provisions and materials very cheap, and work for a penny a day, which disables us, and the rest of the European traders, to contend with them: And for this reason their trade did increase apace, until the late war; and, unless restrained, will most certainly increase, to the ruining of our best fabricks, and the vast number of people that have their livelihood and dependence thereupon.

Since this last war, the East-India Company have laboured under some discouragements, and buy small quantities of their manufactured goods, in proportion to what they formerly brought in, were imported; by reason whereof great encouragement was given to the manufactures of silk, half-silk, and worsted, which have been very much improved in a great variety of figured, striped, and other sort of stuffs, which were made not only in London, Norwich, and Canterbury, in much greater quantities than ever, but these manufactures were spread to Bristol, Newbury, and divers other parts of the kingdom, whereby greater numbers of poor have been employed, and greater quantities of English wool consumed; so that the price of the wool advanced, and the labour and wages of the poor increased, which enabled them to live comfortably and consume the product of the land, to the great advantage of the landlords and tenants, and benefit of the nation in general.

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